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International Court of Justice

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Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 21 March 1946, 1000 to 1300 hours.

CROSS EXAMINATION -- continued

Q Witness, do you remember me telling last night that the only prisoners of war handed over to the police were those guilty of crimes or misdemeanors?

A I did not express myself that way. I said if the police apprehended prisoners of war they were those who committed a crime during the escape, and as far as I know they were retained by the police, were not returned to the camp. In other cases, how the police kept prisoners of war, without returneng them to a camp, that I could gather from interrogations and explanations here.

Q Would you look at Document D-569? Would you look first at the top, left-hand corner, which shows that it is a document published by the Oberkommando der Wehrmacht?

A The document which I have before me, in the upper left-hand side, has the following: The Reichsfuehrer SS and the Inspector of Concentration Camps --

Q It is a document dated the 22nd of November, 1941. Have you got it?

A Yes, I have it now.

Q Now, look at the left-hand bottom corner, as to distribution. The second person to whom it is distributed is the Air Minister and Commander-in-Chief of the Air Force in 22 November 1941. That would be you.

A That's correct. I would like to make the following statement in connection with this.

Q Just for a moment I would like you to appreciate the document and then make your statement upon it. I shan't stop you. I want you to look at the third sentence in paragraph one. This is dealing with Soviet prisoners of war, you understand. The third sentence says: If escaped

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Soviet prisoners of war are returned to the camp in accordance with this order, they have to be handed over to the nearest service station of the Secret Police.

In any case -- and then paragraph two deals with the special position -- if they commit crimes owning to the fact that at present these misdemeanors on the part of Soviet prisoners of war are particularly frequent, due most likely to living conditions still being somewhat unsettled, the following temporary regulations come into force. It may be amended later. If a Soviet prisoner of war commits any other offense then the commandant of the camp must hand the guilty man over to the head of the Security Police.

Do I understand that this document is saying a man who escaped will be handed over to the Security Police? You understand this document says a man who escapes will be handed over to the Secret Police, a man who commits a

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a crime, as you mentioned, will be handed over to the security Police, Wasn't that the condition that obtained from 1941 up to the date we are dealing with in March, 1944.

A I would like to read the few preceding paragraphs so that no sentences will be torn from context.

SIR DAVID MAXWELL-FYFFE: I thought your Honor might have read it.

My Lord, while the witness is reading the document, might I go over the technical matter of the arrangement of exhibits? When I cross examined Field Marshal Kesselring I put in three documents, U.K.-66, which becomes Exhibit G.B. -274; D-39, which becomes G B.275; T C,-91 which becomes G.B.-276 so this document will become G.B.-277.

Q Have you had an opportunity of reading it, witness?

A Yes, I have.

Q Then I am right, am I not, that the Soviet prisoners of War who escaped were to be after their return to the camp handed over to the Secret State Police. If they committed a crime they were to be handed over to the Security Police, isn't that right?

A Not exactly correct. I would like to point to the third sentence in the first paragraph. There it says, "If a camp of prisoners of war is nearby so the man who is recaptured is to be transported there."

Q But read the next sentence, "If a Soviet prisoner of war is returned to the camp" - - that is in accordance with this order which you have just read -- "they have to be handed over to the nearest service station of the Secret State Police." Your own sentence.

A Yes, but the next paragraphshows, "because."

A It is not coming through. I am sorry.

Q The last answer would you mind repeating it please?

A I said the second paragraph which follows gives an explanation. Frequent acts which are punishable which are occurring frequently but byt itself this order was given and it was distributed to the Army, to the Sea Forces, and I would like to give the explanation to this: in this war there were not only hundreds but thousands of orders which came from subordinate officers and were transmitted, and that does not mean that each of these many orders was transmitted to the Commander-in-Chief; only the most decisive and

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most important were shown to be had. The others went from department to department. and this order came and is signed not by the Chief of the High Command but by one of the subordinate officers.

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Q That order would be dealt with by the prisoner-of-war department of your ministry, wouldn't it?

A Th s resort or department, according to channels which these orders took, received this order, but no other resort or department received it.

Q I think the answer to my question must be, yes, it would be dealt with by your prisoner-of-war department, your ministry;; isn't that so?

A I would say yes.

Q It is quicker, you see, if you say "Yes" in the beginning,; do you understand?

A No; there is a difference whether I personally have read theorder or not, and I will take my attitude as to responsibility.

Q Well now, the escape —

THE PRESIDENT: You weren't asked about responsibility; you were asked whether it would be dealt with by your prisoner-of-war department.

BY SIR DAVID MAXWELL-FYFE:

Q Now, the escape about which I am asking you took place on the night of the 24th to the 25th of March. I want you to have that date in mind. The decision to murder these young officers must have been taken very quickly, because the first murder was, which actually took place, on the 26th of March. Do you agree with that? It must have been taken quickly?

A I assume that this order, as I was informed later, was given immediately, but it had no connection with this document.

Q No, no; we are finished with that document; we are going into the murder of these young men. The Grossfahndung--a general hue and cry, I think, would be the British translation—was also issued at once in order that these men should be arrested; isn't that so?

A That is correct. Whenever there was an escape where some prisoners escaped, automatically in the whole Reich a hue and cry took effect, that is, all offices had to watch to apprehend the prisoners.

Q So that in order to give this order to murder these men, and for grossfahndung, there must have been a meeting of Hitler itinerate with Himmler or Kaltenbrunner in order that that order would be put into effect; isn't that so?

A That is correct so far as I heard afterwards; and as I said, Himmler was the first to report this escape to the Fuehrer.

Q Now, General Westhoff, who was in defendant Keitel's Kriegsgefangenenwesen, in his prisoner-of-war set-up, says this that "On a date, which I think was the 26th, Keitel said to him, 'This morning Goering reproached me in the presence of Himmler for having let some more prisoners of war escape. It was unheard of!" Do you say that General Westhoff is wrong?

A Yes. This is not in accordance with the fact. General Westhoff is referring to an expression of General Field Marshal Keitel's. This utterance in itself is illogical, for I could not accuse Keitel; for he could not have said that. The guarding was his responsibility and not mine.

Q One of the defendant Keitel's officers dealing with this matter was a general inspector, General Roettich. I don't know if you know him.

A No.

Q Well, General Westhoff, as one could understand, is very anxious to assure everyone that his senior officer had nothing to do with it, and he goes on to say this about General Roettich: "He was completely excluded from it by the fact that these matters were taken out of his hands. Apparently at that time conference with the Fuehrer in the morning, that is to say, the conference between Himmler, Field Marshal Keitel, and Goering, which took place in the Fuehrer's presence, the Fuehrer himself also took a hand in these affairs when officers escaped." You say that is wrong? You were at no such conference?

A I was not present at this conference, neither was General Westhoff; he is giving a purely subjective view, not a factual report.

Q So that we find that you don't think -- you think -- that Westhoff is wrong? You see, Westhoff, he was a colonel at this time, I think, and now he finishes as a major general,

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and he asks that the senior officers be questioned about it; says that, "It should be possible to find that out, that Himmler made the suggestion to the Fuehrer--to find that out from Goering who was present at the conference." Again and again Westhoff, who after all is a comparatively junior officer, is saying that the truth about the matter can be discovered from his seniors. You say that it can't?

A I would not say that; I am just saying that General Westhoff -- I would just like to say that General Westhoff was never present for even a moment, therefore he can not say I know or I saw it; that Reichsmarshal Goering was present. He is assuming or he may have heard it.

Q What he says is, you know, that Keitel blamed him, as I have read to you; that Keitel went on to say to him at General von Graewenitz's, "General, these escapes must stop. We must set an example. We shall take very severe measures. I am only telling you that, for men who have escaped will be shot; probably the majority of them are dead already." You never heard anything of that?

A I was neither present at this conversation--Keitel with Graewenitz-- nor at the conference--Fuehrer-Himmler. As far as I know General Westhoff will be testifying here, and in additional General Field Marshal Keitel will be able to say whether I was there or not.

Q Well then, I am bound to put this to you. I come on to your own ministry. I suppose in general you take responsibility for the actions of the officers of your ministry from the rank of field officer and above? -- colonels and major generals and lieutenant generals?

A If they acted according to my directives and my instructions, yes; if they acted against my directives and instructions, no.

Q Well now, just let us see what happened in your own ministry. You know that--do you know that Colonel Welde made a personal investigation of this matter at the camp? Did you know that?

A The particulars about this investigation, as I explained yesterday, I do not know; I know only that investigations did take place.

Q Now, on the 27th of March, that was a Monday, did you know that there was a meeting in Berlin about this matter? Just let me tell you who were there before you apply your mind to it so you will know: Your ministry was

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represented by Colonel Walde, because Lieutenant General Grosch had another meeting, so he ordered his deputy to attend; the defendant Keitel's organization was represented by Colonel von Reurmont; the Gestapo was represented by Gruppenfuehrer Mueller; the Kripo was represented by Gruppenfuehrer Nebe. Now, these officers were of course not on the policy level, but they were high executive officers who had to deal with the actual facts that were carried out, were they not?

A They were not executive officers. So far as exective was concerned, it is not established for an officer. For the first question whether I knew about this meeting, I would say no. Colonel Walde I do not even know personally.

Q You mean to say, you are telling the Tribunal, that you were never told about this meeting at any time?

A Yes, I am saying that.

Q I just want you to look at—let him have Welder's statement—I want you to look at the statement of one of the officers of your own ministry on this point. This is a statement made by Oberst Ernst Welder, and—I am sorry I haven't another German copy, but I will get one in due course—and in my copy, witness, it is at the foot of page two, the beginning of the paragraph which I want you to look at is:

"As recaptured prisoners were not to be taken back to their camp, according to an order issued several weeks previously"—can you find it?

A And where should I find that?

Q Well, in the English version it is at the middle of the second page, and I want to ask you about the—the middle of that paragraph. I don't know if you see a name—it stands out in my copy—Major Dr. Huehnemoerder; do you see that?

A Yes, I have found it.

Q Well, it is the sentence after the name Major Dr. Huehnemoerder appears: "On this Monday"—have you got it?

A Yes.

Q Thank you. "On this Monday a conference took place at the Security Headquarters (Reichssicherungshauptamt) at Berlin, Albrechtsstrasse. As far as I remember this conference had been called by the Director of

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Prisoners of War, OKW, Kriegsgefangenen Wesen, and I attended as representative of 'Luftwaffe Inspektion 17', since General Grosch was unable to attend in person, for reasons which I cannot remember; the Director of Prisoners of War, as far as I know, was represented by Oberst von Reurmont, while the Security Office was represented by Gruppenfuehrer Mueller and Gruppenfuehrer Nebe, the Chief of the Kriminalpolizei at that time. I find it impossible to give a verbatim account of the conversation or to state what was said by every single person. But I remember this much: that we were informed about a conference which had taken place the previous day, that is Sunday, at the Fuehrer's headquarters in connection with mass escape from Sagan, in the course of which heated discussions had taken place between the participants. In this connection the names of Himmler, Goering, and Keitel were mentioned. Whether Ribbentrop's name was also mentioned I do not remember. The Fuehrer was not mentioned. At this conference appropriate measures were said to have been discussed, or taken, to check any such mass escapes in future. The nature of these measures was not disclosed. Later and more or less in conclusion Gruppenfuehrer Mueller declared that requisite orders had already been given and put into effect the previous morning. Regarding the search for escaped prisoners (Grossfahndung) he could or would not make any statement; he merely declared that according to reports so far received shootings had taken place at some points for attempted escapes. I think he said the number was ten or fifteen.

"After these last remarks by Gruppenfuehrer Mueller, which unmistakeably caused a shattering effect, it became clear to me that a decision had been made by the highest authority, and that therefore any intervention by subordinate departments was impossible and pointless.

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Now, this was announced at a meeting of persons that I would call executives, that the shooting had already begun. Are you telling this Tribunal that this matter was made clear to these executives, including one of your own officers, and was never told to you? Are you still saying that?

A I am still saying that. I did not receive anything, any news of this meeting, and this officer is just assuming certain names; he is not making any assertion. And for the third part, I would like to mention the beginning of the statement, which begins as follows:

"In this matter of the mass escape of British officers from prisoner-of-war camps No. 3, at Sagan on the 24th or 25th of March, 1944, I make the following statement,

"'I have to point out that in view of the absence of any documents, I am forced to reconstruct events, which happened almost a year and nine months ago, completely from memory. I therefore ask that this fact and the possibility thus arising of my making a mistake be taken into consideration, and that due allowances be made."

Q That is a fair point and the answer to it is that I will show you what this officer reported at the time to his general.

SIR DAVID MAXWELL-FYFE: Give the witness General Grosch's statement.

(A paper was handed to the witness.)

We are getting reasonably high up. This officer, General Grosch, signs it as a Lieutenant General. Now, would you like, if you can, to help me again--you were most helpful last time--to try to find the place? This is a statement by Lieutenant General Grosch.

A I request to have permission to read this document first, to see whether similar limitations apply here also.

Q Will you read the first sentence? I don't want to take up time to read an account of the general matter. It says:

"During my interrogation on the 7th of December 1945 I was told to write down all I knew about the Sagan case"; and then he wrote it down. But I would like you to look at No. 1, the first page. Do you see at

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the foot of the page an account of the pyramid in your ministry of administration? Do you see that at the foot of page 1?

(There was no response from the witness.)

Q Do you see at the foot of page 1 the pyramid?

A I am not that far along; I beg your pardon.

Q It comes about the fourth paragraph.

A I can see it, but I wanted to read the other first. Yes, I arrived at that point.

Q Then, if you will look about four small paragraphs on, it begins:

"A few days after the day of the escape--I cannot remember the date any more--Oberst Walde informed me that the OKW had called a conference in Berlin."

Do you see that?

THE PRESIDENT: What page on the English version?

SIR DAVID MAXWELL-FYFE: My Lord, it is page 4. I am sorry; it is my fault. I turned over two pages.

THE PRESIDENT: I have it on page 4.

SIR DAVID MAXWELL-FYFE: Yes.

BY SIR DAVID MAXWELL-FYFE:

Q I don't mind you running through it quickly, but you may take it that the first two pages are what I said were there, the pyramid of your ministry.

A Yes, I find it. The paragraph, please?

Q "A few days after the escape"--Do you find that? It is Part C the fourth paragraph, the Sagan case.

A Yes, I find the place.

Q Thank you.

"A few days after the day of the escape--I cannot remember the date any more--Oberst Walde informed me that the OKW had called a conference in Berlin--I believe on the premises of a high SS and police authority, and that the inspectorate was to send representatives. I should have liked to have gone myself but had to attend another

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conference in Berlin, and asked Walde to attend as representative. After his return Oberst Walde informed me that the spokesman of the OKW had informed them that there was a decision by the Fuehrer to the effect that, on recapture, the escaped British airmen were not to be handed back to the Luftwaffe but were to be shot."

Then missing a paragraph and taking the last line of the next paragraph:

"It is, however, certain that the danger of their being shot was then clearly recognizable. I asked Oberst Walde whether such a far-reaching decision would be notifed in writing to the Supreme Command of the Luftwaffe or the Reichsluftfahrtministerium or whether he had been given anything in writing. Oberst Walde gave me to understand that the Assembly were told that they would receive nothing in writing, nor was there to be any correspondence on this subject. The circle of those in the know was to be kept as small as possible. I asked Oberst Walde whether the spokesman of the OKW had said anything to the effect that the Reichsmarshal or the Oberkommando Luftwaffe had been informed about the matter. Oberst Walde assured me that the OKW spokesman had told them that the Reichsmarshal was informed."

I won't ask you about that for the moment. I want you to look at what your general did. It says:

"Up to the time of Oberst Walde's report I had not received even so much as a hint from anywhere that escaped prisoners of war should be treated in any other way than according to the provisions of the Geneva Convention.

"The same afternoon I rang up my superior officer, the Director of Air Defence, to ask time for an interview with General der Flieger Foerster to be allotted to me. This took place the next morning, the 28th.

"When I came to report I found General Foerster together with his Chief of Staff. I asked General Foerster for permission to speak to him alone and put the facts before him. In conclusion, I expressed

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the opinion that if the British airmen were to be shot, (a) there would be a breach of the Geneva Conventions, (b) reprisal measures endangering the lives of German airmen held by the British as prisoners of war would have to be expected. I asked General Foerster to bring the matter to the notice of the Reichsmarschall even at this very late stage, and to stress those two points.

"General Foerster was immediately prepared to do this. When it came to the choice of the way in which the matter could be brought to the attention of the Reichsmarschall, it was decided to report to the Under-Secretary of State, Generalfeldmarshall Milch.

"In my presence General Foerster rang up the office of the Under-Secretary of State and obtained the interview at once. General Foerster left the room and while doing so he instructed me to wait for his return in his study. After some time General Foerster came back and told me that he had reported the matter to the under-Secretary of State and that Feldmarschall Milch had made the necessary notes."

Look at the last paragraph:

"I gave Oberst Walde the order, despite the ban by OKW, to incorporate a detailed written statement about the conference in our records. So far as I know, this was done."

DR. STAHMER (interposing): Attorney Stahmer on behalf of the defendant Goering.

We have here a matter of affidavits given by witnesses who are in Nurnberg and who, in my opinion, could be brought as witnesses in person because of the importance of this matter, not only for Goering but for other defendants.

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I object to this procedure under the assumption that the same rules apply for cross-examination as for testimony. By that I mean that we are not to be satisfied with an affidavit and rest on an affidavit, If the possibility is at hand that the Prosecution, without difficulty, can summon the witness in order to have him testify before the Tribunal, so that the Defense may be in a position to cross examine these witnesses.

THE PRESIDENT: Dr. Stahmer, what you have said is entirely inaccurate. The rules with reference to cross examination are not the same as rules withreference to examination in chief, and what is being done at the present moment is that the Defendant Goering is being cross examined to his credit. He has said that he know nothing about this matter, and he has been cross examined to prove that he has lied when he said that.

DR. STAHMER: Mr. President, according to my opinion it must be taken in such a matter that the witness will be brought here in person. It does not change the fact that, according to our opinion, a reference to an affidavit is a less desirable means then personal testimony of a witness, at which occasion the Defense would be empowered to bring proof from their side.

THE PRESIDENT: Dr. Stahmer, as I have already pointed out to you, you are quite in error in thinking that the rules for cross examination are the same as examination in chief. The witness at the present moment is being cross examined and is being cross examined as to credit; that is to say, to prove whether or not he is telling the truth.

As to the calling of this witness -- I think his name is Grosch -- you can apply to call him if you want to do so. That is an entirely different matter.

DR. STAHMER: Yes. I quite understand, Mr. President; but I am interested in having the possibility of calling in the people who are mentioned in this affidavit -- if possible, to have them called in.

THE PRESIDENT: Well, you can apply to do that.

BY SIR DAVID MAXWELL-FYFE:

Q. You understand, what I am suggesting to you is that here was a matter which was not only known in the OKW, not only known in the Gestapo

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and the KRIPO, but was known to your own director of operations, General Foerster, who told General Grosch that he had informed Field Marshal Milch. I am suggesting to you, that it is absolutely impossible and untrue that in these circumstances you knew nothing about it.

A I would like to establish something entirely different. First, in the German interpretation regarding the first objection by Dr. Stahmer, the following came through:

SIR DAVID MAXWELL FYFE: The Tribunal doesn't want you to discuss legal objections.

THE PRESIDENT: Will you please answer the question that is put to you? You have already been told that you must answer a question directly and make any explanation afterwards, and shorten it.

BY SIR DAVID MAXWELL FYFE:

Q Do you still say, in view of that evidence, in view of these statements from the officers of your own ministry, that you knew nothing about this?

A Just this expression to assert or confirm that, and I would like to make a short clarification. We determined a date. You said it was the 27th. But in this statement by Grosch this date is not established. It says, "A few days after the escape." I do not recall the date Oberst Welder reported to me.

Point 2: It says here that General Foerster, who was not chief of my operational branch but chief of another branch of the ministry, mentioned this matter to Milch, without referring to the date. General Fieldmarshal Milch was here as a witness, and whether he gave me this report, and at what time, and whether to me direct, regrettably he was not asked about these points.

Q Oh yes, he was, and General Fieldmarshal Milch took the same line as you, that he knew nothing about it, that Foerster had never spoken to him. It was asked by my friend, Mr. Roberts, "Didn't General Foerster speak to you about it?"

What I am suggesting is that both you and Fieldmarshal Milch are saying you knew nothing about it, when you did, and are leaving the

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responsibility on the shoulders of your junior officers.

4 No, I do not wish to push responsibility to the shoulders of my subordinates, and I am establishing -- and this applies to me -- that Fieldmarshal Milch did not say that he reported this matter

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to me; and, secondly, that the date when Foerster told Milch about this is not established. It is entirely possible that the exact date when these matters took place, I have been told by one of my other officers, is decisive, and I maintain that I was not present when the Fuehrer gave his decree about this and when I heard about it I contradicted it in the strongest way. But it was, as I was told, too late. A few were shot later, but it was not known at the time and the particulars as to time I did not have, but most of them had been shot already.

Point 3: Those who had escaped, who were captured in the direct vicinity of this camp, were recaptured by our men and returned to the camp and were not transported off. Those prisoners who were apprehended by the police, and before this decree of the Fuehrer was issued, were returned to the camp, were not transported off, and were not shot.

Q You know that, according to Welend, who is going to give evidence, the selection of the officers to be shot -- a list as regards the selection of officers to be shot -- a list had been prepared by the camp authorities at the request of Department 5, that is, of the RSHA--KRIPO Department, in which those officers were regarded as disturbing elements, plotters, and escape leaders, having been specifically mentioned. The names were selected either by the commandant or by one of these officers. Thereupon, the shooting of the officers mentioned by name was accordingly ordered by Department 4 of the RSHA and corresponding instructions sent to the Staatspolizei.

Are you telling the Tribunal you didn't know that your own officers were selecting the men to be shot on the ground that they were plotters and escape leaders? In any other service in the world, attempt to escape is regarded as a duty of an officer, isn't it, when he is a prisoner of war? Isn't that so?

A That is correct, and I have emphasized that. To the first question, I would like to establish very definitely that we are concerned with the utterance of a man who will be testifying as a witness. Whether he actually wanted a list and saw a list, his utterance is illogical. There was no selection of shootings. Those were shot who were apprehended by the police, without exception, and those who had not been returned to the camp. There was no selection according to those who were a disturbing factor, but those who were returned

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to the camp were not shot. Those who were recaptured by the police beyond the camp, according to the Fuehrer's decree, were shot without exception. Therefore, the utterance is entirely illogical and not in accord with the facts.

I did not hear about the list nor about the carrying out of these wishes. I know nothing about it. I personally pointed out to the Fuehrer repeatedly that it is the duty of these officers to escape, and that after their return after the war, as far as I could recall, they would have to prove this escape on their return to England.

Q You remember that the government of Germany sent an official note about this matter, saying that they had been shot while resisting arrest while trying to escape? Do you remember that?

A With the reply to this note I heard for the first time that this note had been sent. I did not participate in the formulating of the note. I know its contents only through the reply, for I happened to be there when the reply came in.

Q I am not at the moment on the point that everyone now admits that the note was a complete and utter lie. I am on the point of the seriousness of this matter. Do you know that General Westhoff says in his statement: "Then, when we read this note to England in the newspaper, we were all absolutely taken aback. We all clutched our heads, mad." According to Mr. Wielen, who will be here, it was a contributory cause for General Nebe of the KRIPO, for nights on end, not going to bed, but passing the night on his office settee. You will agree, won't you witness, that this was a serious and difficult matter? All these officers that had to deal with it found it a serious and difficult matter, isn't that so?

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A. Not only that I found this matter serious but I myself considered it as the worst matter during the whole war and expressed myself definitely and clearly on this point and later, when I knew of the contents of the note, I knew that this note was not in accordance with the truth. I was upset and expressed my statement, that as a result I told my General Quartermaster to direct a letter to the OKW that we did not wish to keep the camps for prisoners of war any longer because under these circumstances, we did not wish to stay with them any longer.

Q. And according to your evidence in chief, what you did was to turn to Himmler, asking him if he had received the order, and then you said, "I told him what excitement would result in my branch because we could not understand such measures and if he had received such orders, he would please inform me before carrying them through so that I would have the possibility to prevent such orders from being carried through, if possible;" and then you said that you "talked to the Fuehrer and that he confirmed that he had given the order and told me why." You, according to that evidence, still had enough influence in Germany, in your own opinion, to stop even Himmler issuing such orders or carrying --- I am sorry, I said "issuing" -- carrying out such orders.

A. You are interpreting my statement completely wrong. I told Himmler that it was his duty to call me before the execution of this matter, to give me the possibility even at this time to use my decreased influence to prevent the Fuehrer from carrying out this decree. I did not wish to say that I would have been completely successful through this attempt but it was a matter of course that as chief of the Luftwaffe, I would give Himmler my clear expression that it would have been his duty to let me know this before because I was the one who was most concerned with this matter. I told the Fuehrer in very clear words just how I felt and saw from his answers that if I had known before this in advance, I could not have prevented this decree, and we must keep in mind that two different matters or channels are concerned. This order was not given to the Luftewaffe, that these people were to be shot through the Luftwaffe but the order was given to the police. If the Fuehrer had told me "I will persist in this decree which I gave the police," I would not have been able to tell the

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police not to carry through the Fuehrer's decree; only if this decree should have been executed through my people, I would have had the posssibility perhaps to circumvent this decree and I would like to emphasize this point strongly.

Q. Well, that may be your view that you couldn't have gotten anywhere with the Fuehrer, but I suggested to you that when all these officers that I mentioned knew about it, you knew about it and that you did nothing to prevent these men from being shot but cooperated in this foul series of murders.

THE PRESIDENT: Sir David, are you passing from that now?

SIR DAVID MAXWELL-FYFE: Yes.

THE PRESIDENT: You are putting in evidence these two documents?

SIR DAVID MAXWELL-FYFE: I am putting them in. I put them to the witness, D-731 will be GB 280 and D-730 will be GB 279.

THE PRESIDENT: And should you not refer perhaps to the second paragraph in 731?

SIR DAVID MAXWELL-FYFE: Yes, sure.

THE PRESIDENT: It shows that apparently that in the early hours of the 25th of March the matter was communicated to the office of the adjutant of the Reichsmarshall -- the second paragraph beginning with "the escape".

SIR DAVID MAXWELL-FYFE: Yes. The escape of about 20 to 30 prisoners, the exact number having to be ascertained by rollcall, was reported by telephone from the Sagan Camp to the Inspektion in the early hours of the 25th of March, Saturday morning, and duly passed on in the same way by this office to the higher authorities which were to be informed in case of mass escapes. These were: One, the Office of the Adjutant of the Reichsmarshall. Two, the OKW, for Directors of these prisoners of war. Three, the Inspector General of Prisoners of War; and four, Director of Operations, Air Ministry. I am much obliged. You must remember that the wirness did admit yesterday afternoon that the news of the escape had been given to the office of his adjutant.

THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: I am much obliged to you.

THE WITNESS: The escape was transmitted to us relatively quickly and on the utterances that you made, I would like to say that on assertions made, that

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I will insist for now, that I heard about this incident retroactively afterwards, subsequently.

BY SIR DAVID MAXWELL FYFE:

Q. I have put my questions on the incident. I pass to another point. I want to ask you just two or three questions about the evidence that you gave two days ago, dealing with the evidence of your own witness Herr Dahlerus, who made his first visit to London on the 25th of August 1939, after an interview and a telephone conversation with you on the 24th. I just want you to fix the date because it is sometimes difficult to remember what these dates are. At that time, you were anxious that he should persuade the British Government to arrange a meeting of plenipotentiaries who would deal with the questions of Danzig and the Corridor. Is that right?

A. That is correct.

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Q You know perfectly well, did you not, that as far as the Fuehrer was concerned, Danzig and the Corridor was not the real matter that was operating in his mind at all. Will you let me remind you what he sais on the 23rd of May. "Danzig is not the subject of the dispute at all; it is a question of expanding our living space in the East and of securing our food supplies and of the settlement of the Baltic problem."you knew that, didn't you?

A I knew that he had said those things at that time but I have already pointed out repeatedly, in order to get the value of these conferences, we h have to consider the entire political picture. At the moment of these negotiations with England, we were concerned only with Danzig and the Corridor and only with that problem.

Q Well, you say that despite what Hitler said on the 23rd of May, that at that moment Hitler was only concerned with Danzig and the Corridor? Do you say that seriously?

A That I assert in all seriousness, that in the situation then applying it was the case solely, otherwise you could not understand any acts by Hitler. for you might take his book "Mein Kampf" as a basis and so refer back to all of his actions through his books.

Q I am interested in the last week of August at the moment. I want you now just to remember two points on what you said, with regard to Dahlerus, during the morning of the 25th. Do you remember, you had a telephone conversation with him at 11;30 on the 24th? On the 25th, were you sufficiently in Hitler's confidence t know that he was going to proffer the note verbale to Sir Neville Henderson, the British Ambassador, on the 25th? Did you know that?

A Yes, of course.

Q At that time, when you were sending Dahlerus and the note verbale was being given to the British Ambassador, the arrangement and order was that you were going to attack Poland on the morning of the 26th, wasn't it?

A There seems to be a disturbance on one or two questions.

THE PRESIDENT: I think there is some mechanical difficulty. Perhaps it would be a good thing to adjourn now for a few minutes.

(A recess was taken.)

H0089-0025

Q. You told me, Witness, that the arrangements to attack Poland on the morning of the 26th were changed on the evening of the 25th. Before I come to that, I will ask you one or two .....

A. No, I didn't do that.

Q. Wait a minute. I'm sorry, but that is what I understood you to say.

A. No. I said explicitly that already, on the evening of the 25th, the attack had been cancelled. That is, the attack for the morning of the 26th. Technically, militarilly, it is impossible that a large attack of the whole armed force should be cancelled on the evening before the attack. The fastest time possible for such a change to be made would be 24 hours, or even 48 hours

Q. At the time you had asked Dahlerus to go to England on the 24th. It was still the plan that the attack would take place on the 26th. Was not your object in sending Dahlerus to have the British Government discussing their nex move when the attack took place, in order to make it more difficult for the British Government?

A. No, I want to emphasize that -- and I perhaps should have the documer to recollect it -- that when I sent Dahlerus at that time and when, at that time, Sir Neville had been handed a note on behalf of the Fuehrer, the attack on the 26th had been cancelled . . .

Q. Let me remind you of what you said yourself on the 29th of August. "On the day when England gave her official guarantee to Poland, it was 5:30 o the 25th of August. The Fuehrer called to me on the phone and told me he had stopped the planned invasion of Poland. I asked him then whether it was just temporary or for good. He said 'No, I will have to see whether we can elimin British intervention.' I asked him 'Do you think that it will be definite within four or five days?' Isn't that right?

A. I did say it like that but I did not say that this occurred on the 25th. I said that when the Fuehrer was clear about the guarantee it would be given. I emphasized that once more.

Q. That was what I was quoting to you. When the official guarantee was given, the treaty was signed at 5:30 on the evening of the 25th of August. am putting your own words to you. It was after that that the Fuehrer rang yo

H0089-0026

up and told you the invasion was off. Do you wish to withdraw your statement that it was after the official guarantee was given to Poland?

A. I emphasize once more. After we knew that the guarantee would be given -- it is necessarily clear to you too that if the signing took place at 5:30 P.M. on the 25th the Fuehrer would know about it slightly later if that was the time. Therefore, the Fuehrer would then have to call a conference and at the earliest, it was possible to concel it during the night. Every military expert must know that that is an absolute impossibility.

What I wanted to say in my statement was that when the Fuehrer was clear about the fact that the guarantee would be given, and I emphasize once more that I have not seen the record . . .

Q. I admit that I don't know anything about that. I don't know whether you were still in Hitler's confidence at the time or not. But, wasn't it a fact that Signor Atolico came on the 25th and told Hitler that the Italian Army and Airforce were not ready for a campaign? Were you told that?

A. Yes, of course I was told that.

Q. That was why the orders for the attack were cancelled on the 26th, wasn't it?

A. Not, that is not true under any circumstances, because when the Italian assistance came into play, it was the fact that a number of people doubted its value. During all the days of proceeding tension, it was becoming obvious because of certain demands made by the Italians which we found impossible to fulfil, that Hitler was trying to evade the whole situation. The Fuehrer was convinced that the British Government had, in the meantime, heard about Italy's attitude and their resolve to become our ally.

Q. I will put to you your own account of what the Fuehrer said.

"I will have to see whether we can eliminate British intervention." Isn't it correct that you tried, through Mr. Dahlerus, in every way, to try and eliminate British intervention?

A. Not at any time did I attempt that. It was my entire intention to avoid the war with England. If it was possible to avoid that war on the strength of an agreement with Poland, then that would have been accepted. If the war

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with England could be avoided in spite of a war with Poland, then that was my task also. It was clearly apparent, even after the beginning of the Polish campaign on the 5th of September, that I still made every attempt to avoid a war with England. In other words, to avoid a spreading of the war,

Q. In other words, what you were trying to do from the 25th onwards was to get England to try and agree and help the Reich in the return of Danzig and the Polish Corridor, wasn't that right?

A. That, of course, is quite clearly expressed.

Q. Now, you remember the interview with Mr. Dahlerus. It was the interview in which you colored the portions on the map. I only want you to have it in your mind. If I say 11:30 on the 29th of August it won't mean anything to you. I want you to see it so that I can ask you one or two questions about it

You remember, at that time, that you were upset at the interview which had taken place when Hitler handed Henderson the German reply and there had been the remark about the ultimatum. Do you remember that?

H0089-0028

A Yes, of course I was upset, since that completely disturbed my whole position.

Q And is this correct? Mr. Dahlerus says on page 72 of his book that you came out with a tirade, strong words against the Poles. Do you remember that he quotes you as saying, "Wir kennen die Polen"? Do you remember that?

A Yes, of course. You must consider the situation at the time. I had heard about the excesses and I wouldn't stand and tell a neutral man, Dahlerus, I considered Germany guilty and the Poles completely innocent. The whole situation was like that, and it is correct that I did say that.

Q Are you still an admirer of Bismarck?

A I admire Bismarck absolutely, but I have never said that I am a Bismarck.

Q No, I am not suggesting that. I thought you might have in mind his remark about the Poles. Do you remember, "Haut doch die Polen, dass sie am Leben verzagen", "Let us strike the Poles until they lose the courage to live"? Is that what was in your mind at the time?

A No, I had such thoughts all the less since for years I was genuinely aware of the fact I had the friendship of Poland.

Q You have been quite frank about your general intention and I am not going to take time on it, but I just want to put one or two subsidiary points.

You remember the passage that I read from Mr. Dahlerus' book about the airplane and the sabotage, that he said that you had said to him, mentioning the defendant Ribbentrop -- you remember that passage? You have given your explanat' and I just want to --

A Yes, yes, I gave that explanation and I made it quite clear.

Q Now, your explanation was that Herr Dahlerus was confusing your concern that his airplane should not be shot down in making his journey. That is putting your explanation fairly, isn't it? You are saying that Herr Dahlerus was confused. What you were saying was your concern that his airplane should not be shot down. Isn't that right? That is as I understood it.

A No, I think I have expressed it very clearly. Would you like me to give it again? I will repeat it.

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Dahlerus, who stood in the witness box here used the words, "I must correct myself," when he was asked about Ribbentrop. I am quoting Dahlerus. He said, "I connected it with Ribbentrop since shortly beforehand the name was mentioned in some other connection."

I explained consequently that my anxiety was regarding what might happen. I have explained that very clearly and I needn't repeat it.

Q The question I put to you, Witness -- I think we are agreed on it -- was that your anxiety was about his plane, and the point that I want to make clear to you now is that that incident did not occur on this day when Dahlerus was preparing for his third visit, but occurred when he was in England and rang you up during his second visit. He rang you up on the evening of the 27th of August, and on page 59 of his book he says:

"Before leaving the Foreign Office, I telephoned to Goering to confirm that I was leaving for Berlin by plane at 7:00 p.m. He seemed to think this was rather late. It would be dark and he was worried lest my plane be shot at by the British or over German territory. He asked me to hold the line and a minute later came back and gave me a concise description of the route the plane must follow over Germany to avoid being shot at. He also assured me that the anti-aircraft stations along our course would be informed that we were coming."

What I am suggesting to you is that your explanation is wrong, that you have confused it with this earlier incident to which Mr. Dahlerus speaks, and that Mr. Dahlerus is perfectly accurate when he speaks about the second incident which occured two days later.

A That is not at all contradictory. The first flight was concerned with the flight in darkness which brought increased danger, and I emphasize that in connection with the second journey, preparedness for war on the part of all countries had reached such a degree that this would raise certain objections.

I emphasize once more that I had to correct Dahlerus upon his being questioned by my defense counsel, and that I did not tell him that Ribbentrop had planned an attack against him. I emphasize for the last time that von Ribbentrop knew nothing about my negotiations with Dahlerus.

H0089 - 0030

Q Do you really say that? Do you remember that on the 29th of August -- first of all, on the 28th of August, at 10:30 p.m., when Henderson and Hitler had an interview. That was before the difficulties arose. It was the interview when Hitler was considering direct negotiation with the Poles. He said, "We must

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summon Field Marshal Goering to discuss it with him." That is in our Blue Book and as far as I know it has never been denied. You were summoned to the interview that Hitler and Ribbentrop were having with Sir Neville Henderson.

A No, I must interrupt you. The Fuehrer said, "We will have to have him fetched," but I was not brought in and that isn't said in the Blue Book either.

Q But according to Mr. Dahlerus, he says:

"During our conversation, Goering described how he had been summoned to Hitler immediately after Henderson's departure, how Hitler, Goering and Ribbentrop had discussed the conference that had taken place with Henderson, and how satisfied all three of them were with theresult. In this connection, Hitler had turned to Ribbentrop and said mockingly, 'Do you still believe that Dahlerus is a British agent?' Somewhat acidly Ribbentrop replied that perhaps it was not the case."

You say that is not true, either?

A Herr Dahlerus is describing the events without having been present. From that description, too, it becomes clear that I arrived after Henderson. The description is a little colorful. Ribbentrop had no idea about what I negotiated with Dahlerus, and the Fuehrer did not inform him about these negotiations either. He merely knew that I used Dahlerus as a negotiator, and he was, of course, opposed to him because of that very reason because he, asForeign Minister, was against any other channels being used.

Q That was exactly the point, you know, that I put to you about seven minutes ago, that Ribbentrop did know you were using Dahlerus, so I will leave it.

A No, I beg your pardon. I still say -- please don't distort my words -- that Ribbentrop did not know what I was negotiating with Dahlerus about and that he had not even heard that through the Fuehrer.

Q You said "distort my words". I especially did not say to you that he knew what you werenegotiating about. I said to you that he knew you were using Dahlerus and that, you agree, is right. I limited it to that, didn't I, and that is right, isn't it?

H0089 - 0032

A He didn't know either that I was having negotiations through Dahlerus with England at that time. He didn't know about that either.

Q Well now, I want you just to help me on one or two other matters.

You remember that in January of 1937 and in October of 1937, the German Government gave the strongest assurances as to the inviolability and neutrality of Belgium and Holland. Do you remember that?

A I don't remember it in detail, but it has been mentioned here in Court.

Q And do you remember that on the 25th of August 1938 the Air Staff put in a memorandum on the assumption that France and Great Britain -- oh no, that France would declare war during the case of Fall Gruen, and that Great Britain would come in? Do you remember that? It is PS-375, U. S. Exhibit 84. I want you to have it generally in mind because I am going to put a passage to you.

A May I ask whether the signature is Welter? W-e-l-t-e-r?

Q I'll let you know. Yes, that is right.

A In that case I remember the document exactly. It has been given to me here.

Q That's right. I only want to recall your recollection to one sentence:

"Belgium and The Netherlands in German hands represent an extraordinary advantage in the prosecution of the air war against Great Britain as well as against France. Therefore, it is held to be essential to obtain the opinion of the army as to the conditions under which an occupation of this area could be carried out, and how long it would take."

Do you remember that? It is pretty obvious air strategy, but you remember it?

A That is absolutely correct. This is the job of a captain in the General Staff, First Department, who, in an intelligence department, would of course have to suggest the best position in his memoranda.

Q Then, after that, on the 28th of April, 1939, you remember that Hitler said that he had given binding declarations to a number of states, and this applied to Holland and Belgium? I think that was the time when he made a speech in the Reichstag and mentioned a number of small states as well

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as that, but he said it included Holland and Belgium.

A Yes. Well, of course it has been mentioned quite a lot in here.

Q Yes, now, do you remember that on the 23rd of May, in the document that I have already put to you, at the meeting at the Reichschancellory Hitler said this, "The Dutch and Belgian air bases must be occupied by armed force. Declarations of neutrality must be ignored."

Do you remember saying that?

A It says so in the document, yes.

Q And, on the 22nd of August, 1939, in the speech to the Commanders in Chief, which is 798-PS, US-29, he said:

"Another possibility is the violation of Dutch, Belgian, and Swiss neutrality. I have no doubt that all these states, as well as Scandinavia, will defend their neutrality by all available means. England and France will not violate the neutrality of these countries."

Do you remember his saying that?

H0089-0034

A You can see for yourself from those words how often the Fuehrer changed his opinion so that even the previous one from May may be quite different.

Q They are perfectly consistent in my estimation. He is saying that they must be occupied; that declarations of neutrality must be ignored and he is emphasizing that by saying that England and France will not violate the neutrality so it is perfectly easy for Germany to do it.

A No, here once more he says that we, on our part, would have no necessity of that kind of reasoning. I merely want to point out that situations, politically speaking, were always different and that we, during the interrogations and during this trial, must regard the world political background of the whole story.

Q That was on the 22nd. You have agreed as to what was said. Immediately after that, on the 26th, four days later, Hitler gave another assurance. Do you remember that, just before the war he gave another assurance?

A Yes.

Q And on the 6th of October, 1939, he gave a further assurance and on the 7th of October, the day after that last assurance, the order, which is 2329-PS (G.B.105) was issued.

"Army Group B has to make all preparations according to special orders for immediate invasion of Dutch and Belgian territory, if the political situation so demands."

And on the 9th of October, there is a directive from Hitler:

"Preparations should be made for offensive action on the northern flank of the Western Front crossing the area of Luxembourg, Belgium and Holland. This attack must be carried out as soon and as forcibly as possible."

Isn't it quite clear from that that all along you knew, as Hitler stated on the 22nd of August, that England and France would not violate the neutrality of the low countries and you were prepared to violate them whenever it suited your strategical and tactical interests? Isn't that quite clear?

H0089-0035

A Not quite completely. If the political situation made it necessary and in the meantime the British opinion of the neutrality had been obtained.

Q You say not completely. That is as near agreement with me as you are probably prepared to go.

Now I want to ask you quite shortly again in Yugoslavia. You remember that you have told us in your evidence in chief that Germany before the war, before the beginning of the war, had the very best relations with the Yugoslav people and that you yourself had contributed to it. I am putting it quite shortly.

A That is correct.

Q And that was emphasized, if you will remember, on the first of June, 1939 by a speech of Hitler at a dinner with Prince Paul.

A Yes.

Q Now, eighty days after that, on the 12 of August, 1939, the defendant Ribbentrop, Hitler and Ciano had a meeting and just let me recall to you what Hitler said at that meeting to Count Ciano.

"Generally speaking --"

A I beg your pardon, what is the number of the document?

Q I am sorry, it was my fault -- T.C. 77 (GB 48). It is the memorandum of a conversation between Hitler, Ribbentrop and Ciano at Obersalzberg on the 12th of August.

A I merely wanted to know, is this a memorandum or is this from Ciano's Diary?

Q Oh no, not from Ciano's Diary, it is a memorandum. This is the official report.

"Generally speaking, the best thing to happen would be for the neutrals to be liquidated one after the other. This process could be carried more easily if on every occasion one partner of the Axis covered the other, while it was dealing with an uncertain neutral. Italy might well regard Yugoslavia as a neutral ofthis kind."

That was rather inconsistent with your statement as to good intentions towards Yugoslavia and the Fuehrer's statement to Prince Paul, wasn't it?

A I should like to read through thatonce more and in detail and see in which connection that statement was made. As it was presented now I

H0089-0036

it certainly would not fit into that.

Q You know I do not want to stop you unnecessarily in any way but that document has been read at least twice during the trial and any further matter perhaps you will consider. But you will agree thatunless I have wrenched it out of its context, which I hope I have not, that is quite inconsistent with friendly intentions, is it not?

A As I said, it does not fit into that.

Q Now, it was fifty-six days after that, on the 6th of October, Hitler gave an assurance to Yugoslavia and he said:

"Immediately after the completion ofthe Anschluss I informed Yugoslavia that from now on the frontier with this country would also be an unalterable one and that we only desired to live in peace and friendship with her."

And then again in March, 1941, on the entry of the Tri-Partite Pact, the German Government announced that it confirmed its determination to respect the sovereignty and territorial integrity of Yugoslavia at all times.

Now, after that, of course, as you have always said when you dealt with this, there was the Simovitch Putch in Yugoslavia. But I think you said, I want to get it quite clear, you said quite frankly in your evidence that Hitler and yourself never took the trouble or thought of taking the trouble of inquiring whether the Simovitch Government would preserve the neutrality or not. That is right, is it not?

A I did not put it like that. We were convinced that they were using these declarations to mislead. We knew that this Putch was first of all directed from Moscow and, as we learned later, that it had been financially supported to a considerable extent by Britain. From that we recognized the hostile intentions and there was also the mobilization of the Yugoslav Army, which made the matter quite clear and we did not want to be deceived by Simovitch declarations.

Q Well, I would like to say one word about the mobilization in a moment. But on the 27th of March, that was two days after the signing of the pact I have just referred to, there was a conference in Berlin of Hitler with the German High Command, at which you were present and do you remember the Fuehrer saying:

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"The Fuehrer is determined, without waiting for possible loyalty declarations of the new government to make all preparations in order to destroy Yugoslavia militarily and as a national unit. No diplomatic inquiries will be made nor ultimatums presented. Assurances of the Yugoslav Government, which cannot be trusted anyhow in the future, will be taken note of. The attack will start as soon as means and troops suitable for it are ready. Politically it is especially important that the blow against Yugoslavia is carried out with unmerciful harshness and that the military destruction is done in a lightning like undertaking. The plan assumes that we speed up the schedules of all preparations and use such strong forces that the Yugoslav collapse will take place within the shortest possible time."

It was not a very friendly intention toward Yugoslavia to have no diplomatic negotiations, not give them a chance of assurance or coming to terms with you and to strike with unmerciful harshness, was it?

A I have just said that after the Simovitch Putsch we were completely clear about the situation and that the maneuvers on the part of Yugoslavia could only be regarded as a camouflage and deception. After the Putsch Yugoslavia had been included in the hostile front and it was therefore for us also to carry out decisive maneuvers so that we could line up our troops as quickly as possible, since our forces at that time were fairly weak.

Q You realized, of course, that you said that General Simovitch was inspired by Moscow. I am not going to argue that point with you at all. But I do point out to you that this was three months before you were at war with the Soviet Union. You realize that, do you?

A Yes, that is correct. That Simovitch Putsch in particular removed the last objections of the Fuehrer regarding the fact that Russia's attitude toward Germany was hostile and that Putsch was the very last cause for him to decide as soon as possible preventative measures against that danger should be taken, and secondly --

Q Just one moment. Do you know that it appears in the documents quite clearly, that the attack on the Soviet Union was postponed for six weeks because of this trouble in the Balkans? That is quite inconsistent with what you are saying now, isn't it?

H0089 - 0038

A No. If you would read through my statement on that point, you would see that I said that a number of reasons connected with Russia caused the Fuehrer to order a campaign but that he reserved to himself the last decision as to whether or not he would intervene and that after the Simovitch Putsch that decision was made, that now a political situation would allow a military delay, and that arises clearly from the strategic situation at the time.

Q I want to ask you one other point about Yugoslavia.

You remember your evidence that the attack on Belgrade was due to the fact that it contained the War Office and a number of other important military organizations. I am trying to summarize it but that was the effect of your evidence, was it not?

A Yes.

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Q Now, do you remember how it was put in Hitler's order which I have just been reading to you:

"The main task of the Air Force is to start as early as possible with the destruction of the Jugoslavian Air Force ground installations."

Now, I ask you to note the next word:

"And" -- "And to destroy the capital of Belgrade in attacks by waves. Besides the Air Force has to support the defense of the Army."

I put it to you that that order makes clear that the attack on Belgrade was just another of your exhibitions of terror attacks in order to attempt to subdue a population that would have difficulty in resisting them.

A No, that is not correct. The population did defend themselves. Belgrade was the center of all military installations or matters, more so than the capital of any other country, and I would like to draw your attention to that.

Q Well, now, I am going to pass from that matter to one or two points on which you gave evidence -- I think at the instance of counsel for the organizations. You remember you gave evidence in answer to Dr. Babel about the Waffen SS? Do you remember that -- a few days ago?

A Yes.

Q I would just like you to look at a document which has not got a number, but it is the Fuehrer's ideas about the Waffen SS, and see if you agree. Oh, it is D/665, and it will be Exhibit GB 280. It is a document from the High Command of the Army, General Staff of the Army, "Statements of the Fuehrer re Future State Military Police", and the preliminary of the document says, "Doubts have arisen as to whether when the Fuehrer's ideas on the Waffen SS were passed on some time ago, it was intended that they should be given wider publicity," and then, if you would pass to the document, perhaps you would follow it while I read it. I do not think it has been in before:

"On 6 August 1940 on the occasion of the order for the organization of the Leibstandarte Adolf Hitler -- Adolf Hitler Bodyguard -- the Fuehrer stated the principles regarding the necessity for the existence of the

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Waffen-SS as summed up below:

"The Greater German Reich in its final form will not include within its frontiers any but national entities who are, right from the beginning, well disposed towards the Reich. It is therefore necessary to maintain outside the core of the Reich a state military police capable of representing and imposing the authority of the Reich within the country in any situation.

"This task can be carried out only by a state police which has within its ranks men of the best German blood and which identifies itself unreservedly with the ideology at the base of the Greater German Reich. Only a formation composed in this way will resist disintegrating influences even in critical times. Such a formation, proud of its purity, will never fraternize with the proletariat and with the underworld which undermines the fundamental idea, but further, in our future Greater German Reich, a body of priests will only have the necessary authority over its compatriots if it is trained along military lines. Our people are so military-minded as a result of glorious events of a war-like nature and indoctrination by the National Socialist Party that a 'sock-knitting' police, as in 1848, or a bureaucratic police, as in 1918, no longer can prevail.

"It is therefore necessary for this state police to prove its worth and provide sacrifices of blood at the front, in closed formations in the same way as every unit of the armed forces. Having returned home in the ranks of the Army, after having proved themselves in the field, the units of the Waffen-SS will possess the authority to execute their tasks as state police.

"The utilization of the Waffen-SS in the interior is just as much in the interests of the Wehrmacht itself. We must never again tolerate in the future that the German Wehrmacht based on universal conscription should be used against its own compatriots, arm in hand, when critical situations arise in the interior. Such a step is the beginning of the end. A state which has to resort to such methods is no longer in a position to use its armed forces against an enemy from without, and thereby surrenders itself.

Our history contains sad examples of this. The Wehrmacht in the

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future is intended for all time for use solely against the Reich's foreign enemies.

"In order to ensure that the quality of the men in the units of the Waffen-SS always remains high, the organization of the units must remain limited. The Fuehrer sees this limitation in the fact that the units of the Waffen-SS should in general not exceed five to ten percent of the peace-time strength of the Army."

Do you agree with that? Is that a correct description of the purpose of the Waffen-SS?

A I am absolutely convinced that he did say that, but that does not contradict my statement.

Q Now, I just want you, while we are on the SS, to look at a note which is Document D-729, which will be GB 281. It is on the conversation between you and the Duce in the Palazzo Venezia on 23 October 1942. At that time you were still in good standing with the Fuehrer and still retained your power; is that right?

I will read it: It is page 35, paragraph 1.

"The Reichsmarshal then described Germany's method in fighting the partisans. To begin with, the entire live stock and all food stuff is taken away from the areas concerned so as to deny the partisans all sources of food."

A Just a second please. Where is this?

Q It should be -- it is page 35, paragraph 1, but I will find it for you if you have any difficulty. I think it is marked and it begins "The Reichsmarshal--" Do you find it?

A Yes, indeed.

Q I will start again if I may.

"The Reichsmarshal then described Germany's method in fighting the partisans. To begin with the entire livestock and all foodstuff is taken away from the areas concerned, so as to deny the partisans all sources of food. Men and women are taken away to labor camps, the children to children's camps, and the villages burnt down. Thus, for example, had the railways in the vast wooded areas of Bialowiza been safeguarded. Should

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attacks occur, then the entire male population of villages would be lined up on one side and the women on the other side. The women would be told that all the men would be shot, unless they (the women) indicated which of the men did not belong to the village. In order to save their men, the women always pointed out the stranger. Germany had experienced that, generally speaking, soldiers were no use in carrying out such measures. Members of the Party discharged this task much more harshly and efficiently. For the same reason armies that were strengthened by a political creed such as the German (or the Russian) fought much more energetically than others. The SS, the guard of the old fighters of the Party, who have personal ties with the Fuehrer and who form a special elite, confirm this principle."

Now, is that a correct description?

A Yes, certainly.

Q And this expresses correctly your views on how war against partisans should be carried out?

A I have transmitted this.

Just one second please. May I ask what the number of this document is, please?

Q Yes, I will give it again, D-729, and it becomes GB-281.

Now, I just want you to help me on one other matter on these organizations. You will remember that in answer, I think to Dr. Servatius, you made some remarks about the leadership corps. Do you remember that? I just want you to have them in mind.

A Yes.

Q Now, will you look at the document which will be presented to you, which will be document D/728, GB-282. This is a document from the Gau Leadership in Hessen-Nassau. I am sorry; there is a reference to an order of the Party Chancellery dated 10 February 1945, and its subject is "Action by the Party to Keep Germans in Check until the End of the War." It is signed by Sprenger, Gauleiter and Commissar for Reich Defense.

A The date is 15 March 1945, is that right?

Q I am grateful to you. I knewit was just after 10 March. I have not

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got it in my copy, but if you say it, I will take that.

A 1945.

Q Yes. "I request the Kreisleiters to discuss the following with the Ortsgruppenleiters at the next official discussion and simultaneously draw attention hereby to the need for secrecy and radical action in these measures.

"1. Every German must be subjected to strict supervision regarding his political firmness and will-power.

"2. If during this supervision weaklings are found, i.e. Germans who perhaps have or might have the idea that we are losing the war or that the best thing would be to stop fighting etc., these Germans are to be given fresh strength, and faith in Adolf Hitler is to be aroused in them again.

"3. If Germans are found who spread the story that we have lost the war and that we are on the brink, this rumour is to be countered with all available means. The Kreisleiters are to have these Germans reported to them and are to ask the Gestapo to arrest them, according to the position of the rumour.

"I consider an occasional arrest or the transfer of some Germans to concentration camps as the best method of eliminating such rumour-mongers.

"4. The Ortsgruppenleiter must without fail keep all Germans in check and must without fail see to it that they all keep a stiff upper lip to the end because if courage and anger against the enemy fail behind the front, we shall lose the war.

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"5. It is clear to me that our enemies are crossing the Rhine and enterint our Gau too, but they will not conquer the whole of Greater Germany and above all not National Socialism.

"6. The Kreisleiters are given strict and secret orders to withdraw, on the approach of the enemy in every area, to the centre of Greater Germany. All files, particularly the secret ones, are to be destroyed completely. The secret files about post-war reconstruction, purges among party members, the administration, enlargement, installations and deterring work in the concentration camps must be destroyed at all costs. Also the extermination of some families, etc. These files must under no circumstances fall into the hands of the enemy, since they were after all secret orders by the Fuehrer. I also hereby give the order that Germans who do not defend themselves on the approach of the enemy or who wish to flee, are to be shot down ruthlessly, or, where suitable, hanged to frighten the population."

Now, the other page is to the Kreisleiters, the county leaders, and is a discussion about measures to be carried out. The first deals with the people who got tuberculosis and heart diseases, about not producing families. I am not going to read that in full.

The second paragraph deals with the work and jobs for Party members.

But I would just like you to look at 3 and 4:

"3. Legal proceedings. No Party member may be brought before a court. In case of criminal proceedings, these are to be conducted by the Kreisleitung Party members are to be got off under all circumstances, even when they are inculpated. The good reputation of the Party must under no circumstances be stained publicly, as the Party is and remains the model. It is always the Non-Party members who are to be inculpated. To the eyes of foreigners, one must always show a solid party which can never be split up and whose leadership corps and Party members are unity itself.

"4. Food supply. The Fuehrer has again pointed out that the special weekly food ration cards are to be used in strict secrecy and that the supplie are always to be bought at different places. The cards will in future be distributed by the Gauleiter.

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"Further weekly increases for the Party leadership are coming into force shortly:

"Meat, approximately 1250 grams, and fat approximately 500 grams.

"Ortsgruppenleiters who are not down as self-providers, can also send in requests to the Kreisleitungen. I again point out the need for strict secrecy.

DR. STAHMER (Counsel for Defendant Goering): I must object to the use of this document, since I cannot recognize that it is genuine. I have not seen the original, and the doubts regarding it, as to its being genuine, are due to the fact that expressions are used which are most unusual in the German language.

THE WITNESS: I was going to raise the same objection. It is not an original.

DR. STAHMER: It says at the top, "copy," and there is not original signature. There is the type written words at the bottom, "Sprenger, Gauleiter." For instance they are using the word, "Gerichtlichkeiten," legal apparatus. That is a completely unknown and unusual expression in the German language, and I cannot imagine that an official document originating from a Gauleiter could contain such a word.

THE WITNESS: I can draw your attention to yet another point showing that this is apparently not an original document. As far as this increase of fat and meat rations is concerned, I should have learned something. Not a single word of those two documents is known to me. It is a rubber stamp, this whole thing, written with a typewriter, and that includes the signature. Thus I cannot recognize the genuine character of this document.

SIR DAVID MAXWELL-FYFE: This is a file copy which, to the best of my knowledge was captured at the office, as it says, of the Gau Leadership. It was sent to us by the British Army of the Thine. I shall make inquiries about it, but it purports to be a file copy and I have put the original document whic we have, which is a file copy, to the witness.

(A slight pause.)

THE PRESIDENT: Dr. Stahmer, I have the original document in my hands now, together with the certificate of an officer of

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the British Army stating that the document was delivered to him in the above capacity in the ordinary course of official business, as the original of a document found in German archives captured by military forces under the command of the Supreme Commander. Under those circumstances it is in exactly the same position as all the other captured documents. The Defense, of course, can bring any evidence which it thinks right, to criticize the authenticity of the document. The document stands on exactly the same footing as the other captured documents, subject to any criticism which you may be able to bring evidence to support.

Q Witness, I want you to deal with the sentence in paragraph 6, "the administration, enlargement, installations and deterring work in the concentration camps must be destroyed at all costs. Also the extermination of some families, etc. These files must under no circumstances fall into the hands of the enemy, since they were after all secret orders by the Fuehrer."

Now, that paragraph goes doen certainly to Kreisleiters, county leaders of the Nazi Party, and it assumes they knew all abuut the running of concentration camps. Are you telling the Tribunal that you, who up to 1943 were the second man in the Reich, know nothing about concentration camps?

A First of all, I want to say once more that I do not recognize this document and that I do not know it in its entirety and thatphase appears quite impossible to me. As far as the decree and the events in concentration camps are concerned, I did not know anything about that.

Q Let me remind you of the evidence that has been given before this Court, that as far as Auschwitz alone is concerned, 4,000 people were exterminated. Do you remember that?

A That I merely had as a statement here, but I considered it in no way proved -- that figure, I mean.

Q If you don't consider it proved, let me remind you of the affidavit of Hoettl, who was Deputy Group Leader of the Foreign Section, of the Security Section of Amt IV of the RSHA. He says that approximately 4,000,000 Jews have been killed in the concentration camps, while an additional 2,000,000 met death in other ways. Assume that these figures -- one is a Russian figure, the other a German -- assume they are even 50 per cent correct,

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assume it was 2,000,000 and 1,000,000, are you telling this Tribunal that a Minister with your power in the Reich could remain ignorant that that was going on?

A That is what I am stating, particularly because that is true; these things were kept a secret from me. I am even of the opinion that not even the Fuehrer did not know approximately the extent of the things that were going on.

Another argument in the same direction is that Himmler kept all these matters extremely secret. We never heard figures or any details of that kind.

Q But, Witness, haven't you access to the foreign press, the press department in your Ministry, to foreign broadcasts? You see, there is evidence that altogether, when you take the Jews and other people, something like 10,000,000 people have been done to death in cold blood, apart from those killed in battle. Something like 10,000,000 people. Do you say that you never saw or heard from the foreign press, in broadcasts, that this was going on?

A First of all, the figure 10,000,000 is not established, as far as I am concerned. Secondly, during the entire period of the war I did not read any foreign press, since I considered that they would contain nothing but propaganda. Thirdly, I was actually entitled to listen to foreign broadcasting stations but never used them, because, again, I did not want to listen to that propaganda. Nor did I listen to propaganda in the country.

Q Now, you have --

A Only during the last four days of the war did I for the first time -- and that is something that I can prove -- listen to a foreign broadcasting station.

Q You told Mr. Justice Jackson that there were various representatives in Eastern territories, and you have seen the films of the concentration camps, haven't you, since this trial started? You know there were millions of garments, millions of shoes, 20,952 kilograms of gold wedding rings, 35 wagon-loads of furs -- all that stuff which these people who were exterminated at Majdanek or Auschwitz left behind them. Did nobody tell you, under the development of the four-year plan, or anyone else, that they were getting all these amounts of human material? Do you remember we heard

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from the Polish-Jewish gentlemen who gave evidence that all he got back from his family, of his wife and mother and daughter, I think, were their identity cards? His work was to gather up clothes. He told us that so thorough were the henchmen of your friend Himmler that the women took five minutes extra to kill because they had to have their hair cut with which to make mattresses Was nothing ever told to you about this accretion to German material, which came from the effects of these people who were murdered?

A No, and how do you imagine the situation? I was laying down a large scale directives for German economy and that did not meanthat the manufacture of mattresses from women's hair or the use of old shoes came into my sphere of activity. I leave the figure as questionable. But I should like to object to the reference you used, my "friend Himmler."

Q Well, I will say, "your Enemy Himmler," or simply "Himmler" You know whom I mean, don't you?

A Yes, indeed.

Q Now, I just want to remind you of one other point: On the 14th of April, 1943, the Defendant Sauckel wrote to Hitler -- 407-PS. U.S. Exhibit 228, "I have the honor to report to you that 3,638,056 new foreign workers have been added to the German war economy between April 1st last year and March 31st of this year. Besides the foreign civilian workers, another 16,022,892 prisoners of war are employed in the German economy." Now listen to this, "Out of the 5,000,000 foreign workers who have arrived in Germany not even 200,000 came voluntarily." That is from the minutes of the Central Planning B oard on the 1st of March. Do you say that you, in your position in the state and as the great architect of German economy, didn't know that you were getting for your economy 4,800,000 foreign workers who were forced to come? Do you tell the Tribunal that?

A I have never told the Tribunal that. I have said that I know exactly and for certain that these workmen were brought in not always voluntarily, but whether the figure 200,000 is correct, is something I don't know; but I don't believe it, either. There were more volunteers, which nevertheless doesn't alter the fact that workers were forced to come to the Reich. That is something I have not denied.

Q You admit -- and I want to put it quite fairly -- that a large number

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of workers were forced to come to the Reich and work there?

A Yes, certainly.

THE PRESIDENT: Sir David, would you like to adjourn now?

SIR DAVID MAXWELL-FYFFE Yes, sir.

(A recess was taken until 1400 hours.)

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Official Transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants sitting at Nurnberg, Germany, on 21 March 1946, 1400-1700, Lord Justice Lawrence presiding.

HERMANN WILHELM GOERING--Resumed

BY SIR DAVID MAXWELL-FYFE:

Q Do you remember what you said about the relations between you and the Fuehrer? May I repeat your words:

"The Chief influence on the Fuehrer, if I may mention influence on the Fuehrer at all, was up until the end of 1941 or the beginning of 1942, and that influence was I. Then my influence gradually decreased up until 1943, and from 1943 on it decreased speedily. All in all, I do not believe any one had anywhere near the influence on the Fuehrer that I had beyond or outside of myself."

That is your view on the matter?

A Yes.

Q I think you told the Tribunal that right up until the end your loyalty to the Fuehrer was unshaken, is that right?

A That is correct.

Q Do you still seek to justify and glorify Hitler after he ordered the murder of these fifty young flying officers at Stalag Luft No. 3?

A I am here neither to justify the Fuehrer Hitler nor to glorify him. I am here only to emphasize that I kept my loyalty and pledge to him even then, for I believe in keeping your oath in good days, but it is infinitely more hard to keep your pledge in hard days.

If you are referring to the fifty fliers, I never contradicted the Fuehrer as strongly and as sharply as I did in this matter and told him my view. Then for months, no conversation took place between the Fuehrer and myself because of that.

Q The Fuehrer, at any rate, must have had full knowledge of what was happening with regard to concentration camps, the treatment of Jews, and the treatment of people who were working, must he not?

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A I already suggested that it is my opinion that the Fuehrer did not know about these details in concentration camps as they were pictured here. As much as I knew him, I do not believe that he was advised.

Q I am not asking about details; I am asking about the murder of four or five million people. Are you suggesting that nobody in Germany, except Himmler and perhaps Kaltenbrunner, knew about that?

A I am of the opinion that the Fuehrer did not know about these figures. I am of the opinion then and now.

Q Now, you remember how Mr. Dahlerus described the relations between you and Hitler on Page 53 of his book:

"From the very beginning of our conversation, I resented his manner toward Goering, his most intimate friend and comrade from the years of struggle. His desire to dominate was explicable, but to require such obsequious humility as Goering now exhibited from his closest collaborator seemed to me most repulsive and unprepossessing."

Is that how you had to behave with Hitler?

A I did not have to act that way. I did not act that way. Those are the utterances made by Dahlerus, made after the war. If Germany had won the war, this picture would certainly have been different.

Q Mr. Dahlerus was your witness, though.

A I did not ask him about his opinion in such matters. I asked him only about facts that existed between me and the British Government, in which capacity he served as a courier.

SIR DAVID MAXWELL-FYFE: My Lord, on Tuesday of last week, the defendant calledGeneral Bodenschatz, who gave general evidence as to his character and reputation. He therefore, in my respectful submission, makes me entitled to put one document to him which is an account by the defendant Raeder of his general character and reputation. In accordance with the English practice, I make my submission and ask the Court's permission to put it in.

DR. STAHMER: Attorney for the defendant Goering. Regarding the reading of this document, it seems significantly easier to call Admiral Raeder as a witness, since he is right here with us, and we can determine in cross examination just what the ramifications are in this connection.

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SIR DAVID MAXWELL-FYFE: I have to put it in cross examination to give the defendant the chance of answering. The defendant Raeder can give his explanation when he comes into the witness box.

THE PRESIDENT: The Tribunal would like to look at the document before it is put in.

SIR DAVID MAXWELL-FYFE: That is the English translation. I will show Dr. Stahmer the German.

DR. STAHMER: I would like to point out one further thing, Mr. President. The document shows no date. We do not know when and where it was drawn up.

SIR DAVID MAXWELL-FYFE: It is signed by the defendant Raeder.

DR. STAHMER: When and where it was drawn up. The signature of Raeder is unknown to me.

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SIR DAVID MAXWELL-FYFE: The date is in Raeder's handwriting, as is the signature; the 27th of July, I think it is, 1945. Each page of the document is signed by the defendant Raeder.

THE PRESIDENT: Sir David, you said the defendant has put his character in evidence through Bodenschatz?

SIR DAVID MAXWELL_FYFE: Your Lordship will remember he was asked by Doctor Stahmer, "Will you now tell me about the defendant's social relations?" and then he proceeded to give an account of his character and his kindness and other qualities at that time; and I notice that Doctor Stahmer has just included as an exhibit still further evidence as to character in the form of a statement by one Hermann Winter.

THE PRESIDENT: Wouldn't it have been appropriate if the document was to have been put in evidence to have put it to Bodenschatz, who was giving the evidence?

SIR DAVID MAXWELL-FYFE: But, My Lord, the rule is that if the defendant puts his character in issue, he is entitled to be cross-examined on his character and his general reputation, and of course it is permissible to call a witness to speak as to his general reputation.

DR. STAHMER: May I make the following remark? I did not use Bodenschatz to clear the character of Goering. I wanted to question him about certain facts and incidents, and Bodenschatz may have drawn certain conclusions. According to my opinion, it would have been relevant to make all these reservations while Bodenschatz was present. If his testimony is to be used to show that Goering spoke an untruth, to prove that, the document should have been used during Bodenschatz's testimony, at which time we would have been able to question Bodenschatz.

SIR DAVID MAXWELL-FYFE: He may prefer that Bodenschatz be brought back and it be put to him, but I think I am entitled to put it to the defendant who called the evidence as to his character and reputation.

THE PRESIDENT: The Tribunal will adjourn.

(There was a recess.)

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THE PRESIDENT: The Tribunal rules that at the present stage, this document cannot be used in cross examination.

SIR DAVID MAXWELL-FYFFE: If your Honor please, I understand that your Lordship will leave open the question for further argument, whether it can be used for the Defendant Raeder and the witnesses.

THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFFE: I am much obliged.

BY SIR DAVID MAXWELL-FYFFE:

Q Now, witness, you said before the Tribunal adjourned, that Hitler, in your opinion, did not know about-- broadly, or was ignorant about the question of concentration camps and the Jews. I would like you to look at Document D-736. That is an account of a discussion between the Fuehrer and the Hungarian Regent Horthy on the 17th of April 1943, and if you would look at page 4, do you see the passage just after " Nurnberg and Furth"?

A Just a moment: I should like to read through it very quickly to discover its identity.

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Q Certainly.

A Page 4.

Q Page 4 - GB 283. You say, "After the admission of Nurnberg and Fuerth, Hitler goes on to say the Jews did not ever possess organizational value. In spite of the fears which he, theFuehrer, had heard repeatedly in Germany, everything continued to go its normal way without the Jews. Where the Jews were left to themselves, as for instance in Poland, the most terrible demands prevailed. In Poland, this state of affairs had been formerly cleared up. If the Jews there did not want to work, they were shot. If they could not work, they had to be treated as one treats those who are affected with tuberculosis bacilli with which other healthy bodies would not associate. This was not true. If one remembers, even the creatures of nature who are affected must be eliminated so that no harm can be caused by them. Why should the beasts be spared more? Nations who do not rid themselves of Jews will perish. One of the most forceful examples of this isthe Persians, who now lead a pitiful existence as Armenians."

And if you will look at document USSR 170, which is an exhibit, and which concerns a conference which you had on the 6th of August, 1942.

THE PRESIDENT: Before you part from this page, is there not a passage that is important? It is about 10 lines down, I think, in themiddle of the line . . .

SIR DAVID MAXWELL FYFE: Your Honor is correct. This is in regard to Admiral Horthy's counter question as to whathe should do with the Jews now that he could not kill them off, but to get rid of them by degrees or take them to concentration camps. Those who had no other jobs . . . I am very grateful, my lord.

THE WITNESS: I do not know this document.

Q Now, this is a conference which you had with a number of people, and on page 143, if you will turn to it, you get on to the question of butter. If you will look where it says:

"Reichsmarshal Goering: How much butter do you deliver? 30,000 tons?"

Do you see that?

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A- Yes.

Q And then Lohse, who is in the conference, says, "Yes", and you say, "Do you also deliver to Wehrmacht units," and then Lohse says, "I can answer that too. There are only a few Jews left whereas tens of thousands have been disposed of, but I can tell you that the civilian population gets, on your orders, 15% less than the Germans." I call your attention to the statement that "there are only a few Jews left whereas tens of thousands have been disposed of." Do you still say, in the face of these documents, that neither Hitler or yourself knew that the Jews were being exterminated?

A This should be understood. From this you cannot conclude that they have been killed. It is not my remark, but the remark of Lohse. On that question I also answered. The Jews were only left in smaller numbers. From this remark you cannot conclude that they were killed. It could also mean that they were removed.

Q About the preceding remark, I suggest that you make quite clear what you meant by "there are only a few Jews left, whereas tens of thousands have been disposed of."

A They were still living there. That's how you should understand that.

Q You heard what I read to you about Hitler, what he said and what Ribbentrop said, that the Jews must be exterminated or taken to concentration camps. Hitler said that the Jews must work or be shot. That was in April, 1943. Do you still say that neither Hitler or you knew of this policy to exterminate the Jews?

A For the correction of the document ---

Q Will you please answer my question. Do you still say that neither Hitler or you knew of the policy to exterminate the Jews?

A As far as Hitler is concerned, I have said I do not believe it. As far as I am concerned, I have said that even approximately, I did not know to what degree this thing took place.

Q You did not know to what degree but you knew there was a policy that aimed at the extermination of the Jews?

A No, not liquidation of the Jews. I only knew that there had been cases in that respect and that certain perpetrations had taken place.

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SIR DAVID MAXWELL FYFE: Thank you.

BY GENERAL RUDENKO:

Q If I understand you, Mr. Goering, you said that all the basic decisions concerning foreign, political, and military matters were taken by Hitler alone? Individually?

A Yes, certainly. Also that he was the Fuehrer.

Q Should I understand that Hitler took these decisions without listening to the opinions of specialists who studied the question and the intelligence material concerned with these matters?

A That was different in various cases. In certain individual cases he certainly had evidence which was brought to him without which the experts could know for certain. In other cases, he probably expressed to the advisers that he intended to do something and what he demanded from them to be given.

Q In that case, do I understand you correctly to mean that in the decision of serious m tters, Hitler used the analysis and published m terial given to him by his close assistants who advised him according to their speciality. Is that correct?

A That, in close cooperation from men who worked in connection with these things.

Q Will you tell me then, who were such close assistants and associates of Hitler's on the subject of the airforce?

A Naturally, I.

Q And on the question of economics?

A In economic matters, it was I.

Q And on the questions concerning the political matters of the country?

A They were different. It depended on what question came up for discussion and it depended on how far the Fuehrer wanted to know about these things. On these would depend whom he would call for advice and consultation.

Q Whom can you tell me, were among such close assistants and associates?

A The close associates of the Fuehrer as I said before, were first, I, myself, and another close associate was -- perhaps it is the wrong word -- Dr. Goebbels. Then, of course, you have got to consider the time. It differed during the 20 years, and in the end, to a very considerable degree. It was Bormann during the time of 1933 and 1934 , and shortly before the end, it was Himmler also, in certain instances and among certain questions. And if the Fuehrer was considering certain specific questions, then he would, of course, as it is the custom in every Government, call on that person who knew most about the question and obtain the information from him.

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Q Can you also name which close assistants were associated with him in the field of foreign politics?

A As far as foreign policy is concerned, the actual foreign policies, the political decisions of the most important nature, were taken by himself after careful consideration, and he then conveyed them to his officers. In very few cases only could there be a discussion through me and the necessary execution of policy took place between the foreign office and the ministry.

Q The defendant Ribbentrop?

A Yes, naturally, he was the foreign minister concerned, but he did not make foreign policy.

Q And along strat egic questions, who advised Hitler?

A There were several people. As far as the sphere of influence is concerned, and when strategic questions were brought up, it concerned the three supreme commanders and chiefs of staffs, and particularly the leaders of the armed forces.

Q Who, of the defendants, can be placed in the category of such consultants?

A If I was asked by the Fuehrer, then the advisor on strategic matters was the chief of the leadership staff, Colonel General Jodl, and as far as the military administrative questions were concerned, the supreme commanders, of whom I was one, Raedar, and later Doenitz for the Navy. The other representatives of the Army did not take part.

Q The next question, if we approach the subject not theoretically but functionally, could we come to the conclusion that the purpose of thenature with regard to any question as regards any commendations made by Hitler's leading associates--did they have considerable influence on Hitler's final decisions?

A If I am disregarding the purely formal point of view and presumably you are referring to the military subject, then the situation was . . .

Q No, I mean all spheres. All considerations of questions such as economies, interior politics, foreign policy, military and strategic questions. I mean all questions. I mean, if we approach the subject not theoretically, but functionally, did their recommendations have any considerable influence on Hitler's final decisions? That is what I mean.

H0089 - 0059

H0089 - 0060

A Partly, yes. It would partially depend on whether it would be right to the Fuehrer.

Q That's clear. Let's go on to the next question. Just whendid you begin preparing plans for the German military invasion against the Soviet Union in accordance with the plan Barbarossa. Just precisely when?

A The lining up of the airforce for the case by Barbarossa was carried out by my general staff after we received the first Fuehrer's order in that direction. That was in November.

Q In 1940?

A In 1940. But as far as we are concerned, we were not only concerned with Russia, but with all those countries who were not already involved with the war but could eventually be in the war.

Q All right. Was that in November 1940, when Germany was preparing to attack Russia? Plans were already being prepared for this attack with your participation?

A The other day I explained that exactly, that at that time a possible plan for the possible transfer of political balance had been worked out.

H0089-0061

Q I ask you to reply to this question briefly, yes or no. I think it is possible to reply to the question briefly.

Once more I say, in November 1940, more than half a year before the attack on the Soviet Union, plans were already prepared, with your participation, for the attack on the Soviet Union. Can you reply to this briefly?

A Yes, but not in the sense in which you are representing it.

Q It seems to me that I have put the question quite clearly, that there is no ambiguity at all here. How much time did it take for the Plan Barbarossa to be prepared?

A In one sector, for the air --

Q If you are informed on all phases of the plan, then I would like you to answer with regard to all phases of the Plan Barbarossa.

A Generally, I can only answer for the air, where it took place pretty quickly.

Q If you please, just how long did it take to prepare the Plan Barbarossa?

A After so many years I cannot today tell you that without some confusion. I can't give you the exact date, but I have answered your question. As far as the air force was concerned, it happened comparatively quickly; as far as the army was concerned, it probably took longer.

Q Thus, you admit that the attack on the Soviet Union was planned several months in advance of the attack itself, and that you, as chief of German aviation and Reichsmarshal, participated directly in preparation of the attack.

A May I divide your numerous questions. Firstly --

Q There were not too many questions asked at once. Excuse me please. You have admitted that in November 1940 the Plan Barbarossa was prepared and developed.

A That's right.

Q And subsequent to that, I asked you, since you admit that, whether you, as chief of German aviation and Reichsmarshal, participated in plans for the attack months ahead of their being put into effect. I asked you to

H0089-0062

reply to the last part of the question. You admit that as chief of German aviation and Reichsmarshal you participated directly in preparations for the attack on the Soviet Union? Do you admit that?

A I once more emphasize that I prepared for the possibility of an attack, first of all, within the limits given by the Fuehrer, that Soviet Russia was adopting a dangerous attitude; that from the beginning the certainty of an attack was not discussed, and that is contained in the directives of November 1940;

Secondly, I want to emphasize that my position as Reichsmarshal is of no importance here. That is a title and not a rag.

Q But you do not deny -- rather, you agree -- that the plan was already prepared in November 1940?

A Yes.

Q It appears to me that the question has already been covered in such detail before the Tribunal that we do not have to talk too much about the Plan Barbarossa, which is quite clear. I shall go on to the next question:

Do you admit that the objectives of the war against the Soviet Union consisted of invading and seizing Soviet territory up to the Ural Mountains and connecting it with the German Reich, including Crimea, the Caucasus; subjugation by Germany of the Ukraine, of Byelorussia, and of other regions of the Soviet Union? Do you admit that such were the objectives of that plan?

A That I certainly will not admit.

Q You do not admit that. Don't you remember that at the conference in Hitler's headquarters on the 16th of June 1941, at which you were present, as well as Bormann, Keitel, Rosenberg and others, Hitler stated the objectives of the attack against the Soviet Union in just the terms in which I have stated them? This was shown by the document submitted to the Tribunal. Have you forgotten that document? Have you forgotten about that?

A I can remember the document exactly, and I can roughly remember the discussion at the conference. I said that this document written down by Bormann appears to me extremely exaggerated regarding these demands. At any rate, at the beginning of the war, such demands had not been discussed, nor had they before.

H0089 - 0063

Q But you do admit that there are minutes of such a conference?

A I admit that because I have seen it. It was a document prepared by Bormann.

Q You also admit that according to the minutes of this meeting, you participated in this conference.

A I was present at that conference, and for that reason I doubt that record.

Q Do you remember that in those minutes the objectives of the war were formulated? I shall remind you of various parts of the minutes. It is not necessary to read all the minutes.

A May I ask to be shown a copy of that record.

Q The minutes state --

You would like a copy of the minutes of the meeting?

A I ask to have it.

Q If you please. You would like to read the document?

A No, only where you are going to quote it.

Q Page 2, second paragraph, point 2, about Crimea:

"We emphasize" -- do you find the place? Have you got it?

A Just a moment. I haven't found it yet. Yes, I've got it.

Q "We emphasize ", states this point 2, "that we are bringing liberation to Crimea. Crimea must be liberated of all strangers, especially populated by the Germans. Also, Western Galicia must become a province of the German Reich."

Have you found that place?

A Yes.

Q "A province of the Reich," it says.

A Yes.

Q I want to draw your attention to the end of the minutes, to the last part. It says here:

"The Fuehrer stresses the fact that these parts must become provinces of the Reich."

Have you found the place, "The Fuehrer stresses the fact"?

A You mean the very last bit?

H0089-0064

Q That's right.

A "Finally, it is ordered..."?

Q A little higher above.

A "The Fuehrer orders...."?

Q That's right, "The Fuehrer orders that the Baltic countries as well must become provinces of the Reich." Then, it goes on, "The provinces of the Reich must also include Crimea, with its adjoining regions. These adjoining regions must be as big as possible. The Fuehrer says that about the Ukrainians, but that has no connection."

Go on further; skip one paragraph.

"The Fuehrer stresses that the Volga territory as well must become a province of the Reich , as well as the Baku Province which must become a military colony of the Reich. Eastern Karelia must also be included. However, in view of the large supplies of nickel available, regions where this is found must also be included. Great caution must be exercised in joining up with Finland and absorbing the Leningrad region into the Reich. The Fuehrer would like to have Leningrad razed altogether."

Haven't you found the place about Leningrad and Finland?

A Yes.

Q These are the minutes of the conference at which you were present on the 16th of June 1941, three weeks after Germany attacked the Soviet Union. You do not deny that such minutes exist, do you?

This is document 221.

A You said three days, didn't you?

Q Three weeks, not three days.

A Oh, three weeks, I see.

Q Three weeks after Germany attacked the Soviet Union on

H0089 - 0065

the 22nd of May, and the conference took place at Hitler's headquarters on the 16th of June at 15 hours, I think.

A That is quite right. I have emphasized it all along, but the record of this thing isn't right.

Q And who took the minutes of the meeting?

A Bormann.

Q What was the point of Bormann's taking the minutes incorrectly?

A In this connection Bormann has exaggerated in certain matters. As far as Crimea is concerned, it is correct.

Q Well, let's be a little more precise. Germany wanted the Crimea to become a region of the empire, correct?

A The Fuehrer wanted the Crimea, yes, but that was a goal aimed at befor the war. The same applies to the free Balkan countries which had previously been taken by Russia. They, too, were to go to Germany.

Q Pardon me. You say that with regard to the Crimea, the question arose even before the war, that is, the question of trying to acquire Crimea for the Reich. How far ahead of the beginning of the war was that?

A No, before the war the Fuehrer talked about the territorial aims. He did not mention such territorial aims, but he did aim at them. At that time, if you read that record, I myself considered the question premature and I refrained from discussing anything but practical matters during that conference.

Q I still would like to be a little more precise. You state that with regard to the Crimea, there was some question about making the Crimea a region of the Reich?

A Yes, that was discussed during that conference.

Q All right. With regard to the Baltic provinces, there was talk about those, too?

A I have just told you that, yes.

Q All right. With regard to the Caucasus, there was talk about annexing the Caucasus also?

H0089-0066

A It was never mentioned that that should become German. We merely discussed the strongest German economic influence in that sphere.

Q So the Caucasus could be called a concession of the Reich?

A Just to what degree one could obviously not discuss until after a victorious peace. You can see from that record that it would be quite mad to discuss a few days after a war broke out, matters on which Bormann stated his opinion long before we knew what the outcome of the war would be.

Q So, aggrandizement of the Reich meant annexation of the Volga regions and the colonies there?

A The exaggeration consists of the statement that at the time things were discussed which you couldn't discuss in practice at that time at all. You might have talked about territofy which you occupied, and the administration, that is all.

Q We are trying to establish the facts at the present time, and these questions were discussed at the conference; they were posed there. You don't deny that, do you?

A In part they were discussed, yes, but not as it is put in this record here.

Q I would like to draw just one conclusion. It seems obvious that even then, at that conference, plans of seizing the territories were discussed in accordance with the plan prepared months ago. That is correct, isn't it?

A Yes, that is correct, but I would like to emphasize -- would you permit me that I do emphasize -- that in connection with this record attribute these unlimited discussions to the fact that during the lengthy discussion of all these problems, it says:

"The Reichsmarshal underlined all the important points of view which must be exclusively decisive for us, namely, securing of the food supplies, economic system, and the securing of highways and communications."

I just wanted to bring the whole thing to some practical basis.

H0089 – 0067

H0089-0068

Q All right. You describe rather accurately your objectives, but what was the reason for your objection? The most important thing, it appeared to you, was food supplies, and the rest would come later, is that correct? In that case you objected not to the plan, but to the period at which the plan should be fulfilled. You wanted food first and territory second, is that it?

A No, that isn't the way it is stated. It is stated just as I have read it out. There were no secrets concerned, but it was just the way I read it.

Q Please read it once more, or please tell me once more just where you disagreed.

A With reference to these long discussions about persons and annexation of territory, with reference to that, "The Reichsmarshal emphasized the most important points of view which wouldhave to be the decisive factors for us, namely, securing of the food supplies, the securing of the economic situation, and the securing of highways and communications, etc." In other words, railroads and so forth were also discussed.

This means that I wanted to stop an unlimited discussion due to the intoxication of victory, and wanted to confine it to merely practical matters.

Q It is understandable that evidently this does not play so important a part. However, the objection you just gave does not mean that you objected to the annexation of the Crimea to the German Reich, or the annexation of other regions, isn't that correct?

A If you only spoke German then, from the sentence which says, "opposed to that, the Reichsmarshal emphasized..." you would understand everything that is implied. In other words, I didn't say here, "I protest against the annexation of the Crimea," or, "I object to annexing the Baltic States." For that I had no reason. Had we been victorious, then after the declaration of peace we would have been able to gather how far we could use these territories or not, but at that moment we hand't finished the war, we hadn't won the war, and consequently I personally confined myself to practical problems.

Q I understand you. In that case, you considered the annexation of these regions a step to come later. As you said

H0089 - 0069

yourself, after it was won you would have seized these provinces and annexed them.

A As an old hunter, I acted according tothe principle of not sharing the bearskin before it was shot.

Q I understand. And the bearskin should be divided only when the territories were seized completely, is that correct?

A Just how one could be able to use the skin could only be ascertained definitely after the bear was shot.

Q Luckily, this did not happen.

A For you.

Q And so, summing this up on the basis of the replies which you gave to my question, it has become quite clear, and I think you will agree, that —

A The one and only decisive aim of the war was to eliminate the danger which Russia represented to Germany.

Q And to seize the Russian territories.

A I have tried repeatedly to make this point clear, namely that before the beginning of the war this was not discussed. I said that it was not discussed, but that the Fuehrer gathered from the attitude of Russia that there was a vital threat against Germany, and that he wished to eliminate that threat, and that he felt that to be his duty. What might have been done in peace, after a victorious war, is an entirely new question which at that time was not discussed in any shape or form. But, by that I do not want to say that we did not expect anything but a victorious war in the East or that we did not have any wishes regarding territorial gains.

H0089-0070

Q. I would not like to return to the question of the so-called primitive war but nevertheless, since you touched on the subject, I would like to ask you the following.

You remember the testimony of Field Marshall Milch, who stated neither Goering nor he wanted war with Russia. Do you remember that testimony of your witness, Field Marshal Milch?

A. Yes, certainly quite exactly.

Q. You do remember. In that case why did you not want war with Russia, when you saw the so-called Russian threat?

A. Firstly, I have emphasized that that danger appeared to the Fuehrer to be of considerable extent and to be so close and secondly, in connection with the question put by my defense counsel, I have clearly and exactly stated my reasons why I believed that as far as the time factor was concerned, that danger was not at that time so close and why I thought that other measures of security should be taken first.

Q. But you do not deny the testimony of your witness?

A. Milch was of a somewhat different opinion than I myself. He considered it a serious danger to Germany due to the fact that a war on two fronts was about to begin. He was not so much of the opinion that Russia did not represent a danger but he was of the opinion that in spite of that danger one should take the risk and not use attack as a preventative measure against that danger. I as far as the same factor was concerned, was of the same opinion.

Q. On the basis of your reply to questions during several sessions, there appeared to have been no country which you did not regard as a threat.

A. Most countries did not represent a danger to Germany but I personally have always considered Russia the greatest threat after 1933.

Q. Well, of course, by "most of the countries" you mean your allies, is that right?

A. No, I am thinking of most of the countries. If you would ask me again I would say that the danger to Germany, as far as my own opinion was concerned, appeared to me to originate from Russia's urge to advance westward

H0089-0071

and naturally I also saw a certain amount of threat coming from the two western countries, England and France and I saw a further danger in that same connection, in the event of Germany being involved in a was, as coming from America. As far as the other countries were concerned, on the other hand, I did not expect them to be am immediate threat to Germany, at least as far as small countries were concerned. They would not be an immediate threat but might be, if they were used as bases in a war against Germany by the large countries.

Q. Naturally small countries were not of the same threat because you had already occupied the small countires. That has been previously established.

A. No, a small country, as such, does not represent a threat to me but if another large country uses the small one against me, then the small country too can grow into a threat and danger.

Q. I would not like to discuss the same thing further as it does not relate to the question. The basic question here is

H0089-0072

Germany's intentions with regard to the territory of the USSR and to that question you have already answered quite affirmatively and decisively. I shall go on to the next question.

Q Do you admit that as the Plenipotentiary for the Four-Year Plan you were in direct charge of the preparations and of the working out of plans for the economic exploitation of all the occupied territory, as well as being in charge of the realization of these plans?

A I have already admitted that I assumed responsibility for the economic policy in the occupied territory and the measures which I had taken for the exploitation and use of that territory.

Q Could you tell me how many million tons of grain and other products were exported from the Soviet Union to Germany during the war?

A I cannot give you the figure. How could I know that from memory? But I am sure it is by no means as large as it was stated here.

Q On the basis of your own documents I have the figure but we will pass on to that question later.

I would like to return to the same conference which has already been mentioned. You remember the document submitted by the Soviet Prosecution, the conference of the 16th of August, 1941, U.S.S.R. 170. On 16 August, 1941, there was a conference of commissars of the occupied regions and of the representatives of the military command. You stated at this conference -- and I would like to remind you of some of the things you said.

A May I have a look at that record?

Q You want to see the minutes of the meeting? Certainly. The point is that it is quite a long document. It might take too much time to read the whole thing. I will ask you to only look at page 111 of this stenographic record. There is marked with pencil, especially the citations which I plan to quote here. On page 111, it states the following:

"Gentlemen: Fuehrer asks me to give as the general plenipotentiary the plan on a scale and on a basis which he has not given to anyone so far. He also empowered me --"

A Just one moment. May I mention the Four Year Plan?

Q Yes. I knew that. Evidently the translation has not reached you. I mentioned the Four Year Plan.

H0089-0073

"He gave me special powers with regard to every phase of our economic structure, with regard to what country was concerned, both inside the country, inside the Party and with regard to the Armed Forces."

Is it correct y u were given such special rights and prerogatives with regard to the citing on such subject?

A Under the Four Year Plan I received plenipotentiary powers when it was formulated and for the first time authority was given without any limitation as far as the economic sphere was concerned. The highest authority in the Reich and the highest authority of the Armed Forces and the Party had to receive orders from me. After the beginning of the war these powers were extended to the economic structure of the occupied countries.

Q In that case I have stated and interpreted what wasstated at the conference correctly.

H0089-0074

A Absolutely, even if it is wrongly translated in German.

Q The next citation indicates with regard to your special prepogatives and rights, the instructions which you gave as well as the orders you issued were compulsory for the other participants of the conference held on the 16th of August.

A Yes.

Q In that case, when you used such expressions as "squeeze out, get all that is possible out of the territory", such sentences in the directives issued became orders for your subordinates, is that not correct?

A Naturally, they were then put into their proper form. These conference utterances made during direct discussions, needless to say, were not worded properly and were then --

Q In general, I agree with you.

A You are referring to the passage:

"I may repeat you certainly were not sent there to look after the welfare and work for the welfare of the population."

Is that the piece you are referring to?

Q Look at page 112.

A Yes, that is just what I am reading.

Q It states here:

"I repeatnow, you are sent there not to work for the welfare of thepopulation, but for the purpose of extracting everything possible out of these territories. That is what I expect from you."

A You have left out a sentence -- "So that the German nation —"

Q Please — that is right.

A One minute.

"So as to exploit it to theutmost so that the German nation can live. That is what I expect you to achieve."

Before that it states, however, and this is the sentence I would like to read:

"In theoccupied territories these people have eaten themselves full and our nation has starved."

Q And further you do not deny that these words belong to you:

"You are sent there not to work for the welfare of the population

H0089-0075

but to extract every possible --"

A You have to read that in connection with the preceding part. That certainly is not what was said.

Q Do you deny your own words as stated here?

A No, I am not emphasizing that I did not say that but I am defending myself against the way you are underlining certain things and pulling them out of their context and I am stating they belong in the whole structure of the thing.

Q These phrases in the document are very expressive.

THE PRESIDENT: General Rudenko, could you take slight pauses between your question and answer, between the answer and your question in order that the translators may get it more accurately.

GENERAL RUDENKO: Certainly, I will be glad to do that, Mr. President.

BY GENERAL RUDENKO:

Q I draw your attention to the following extract on page 113, which is also underlined. Here are some of your orders.

"I will do one thing. I shall make you fill the quotas which I demand from each territory. If you cannot fullfil such quotas, in that case, I will reorganize and place there the agencies whichunder all circumstances will be able to make you fullfil these quotas, regardless of whether you like it or not."

Do you see that extract? Is it correct that this is what you said at the conference?

H0089-0076

A That quotation has not been translated by the interpreter as it is written down here in the original. The interpreter who is translating your words into German is using certain expressions which are not contained in this document. Squeeze out . . .

Q I would like to cite . . .

A It says here "to get from and obtain." To get from and obtain, and to squeeze out, is a hell of a difference in German.

Q To get out and to squeeze out is about the same thing. And what about the phrase "I will place agencies there which under all circumstances will be able to make you follow my orders." Have you found that place?

A Get from and not squeeze out of.

Q Did you have any discussion with the commissars of the occupied territories, and whom do you refer to by "special agency"?

A This doesn't only concern the commissioners of the Eastern territories; the commissioners from all territories were present there. This concerned the supplies of food which were to be raised by those various countries, and we were concerned with the whole food organization in the entire European theatre which we had occupied. Shortly before that meeting I had been told, and this was perfectly und erstandable as it always is in connection with such matters, that everybody was holding back so as to have the other pers pushed to the foreground, So as to bring the whole thing on to a brief factor, I didn't want these chaps to get the better of me in this connection, and since I knew that they were only offering me half I wanted one hundred percent more so that we would meet in the middle.

Q I ask you; these demands which you have given to theparticipants in the conference, were they not mercilessly exploiting the occupied territories?

A No, this concerns in the first place food supplies, this conference, I mean.

Q But I talk about plunder. Plunder can consist of plundering food supplies from the occupied territories?

H0089-0077

A I have just said I was responsible for the feeding of practically the whole territory. Some of it was territory for subsidiary food supplies, and others produced more and a certain solution had to be found, and that was ninety percent the subject matter of that conference, namely, to find out how much the individual commissioner had to supply. And in the course of that conference that I used some rather sharp simple and lively words is something that I do not by any means deny. Later on exact figures were obtained and settled on, namely, what had to be supplied, and that was in fact the outcome of that meeting.

Q I want to draw your attention to page 116. It states here as follows, quoting you, page 118, please; have you found the place?

A Yes.

Q "Once upon a time it appeared to me that war was somewhat simple. At one time this was called plunder; this meant taking that which one has conquered. At present, however, the forms and the terms have changed. For the reason" -- have you found the place?

A Yes, I have found it and I said exactly that during that conference. I emphasize once more that . . .

Q That is just what I wanted to establish; that you really said that.

A I did say that, and now I should l ke to give you the reason that this is a statement where I wanted to say that originally war fed war. Today you call it probably something different, but in practice it must remain the same thing.

Q All right. I draw your attention to page 119. There, addressing the other participants of the conference you state:

"You must be present wherever anything is obtainable which the German people need; like hunting dogs you must follow it up and with a commitment of life must you bring everything to Germany." Have you found that place?

A Yes, I have found it.

Q Did you say so.

A I certainly assume that I did say it, yes.

H0089 - 0078

Q You did say that. This sentence is naturally a logical development, and the conclusion to be drawn from your directives means plunder and plunder all you can?

A No, it does not. Just after that it goes on to say that directives were issued that soldiers could go shopping.

H0089 - 0079

saying that he had supplied the whole number of these workers alone. That is the sense of this quotation.

Q But you do not deny another basic sense of your remark that from all Europe — discussing forced labor -- millions of forced laborers were exported to Germany for slave labor?

A I am not denying that. We are talking about 2,000,000 workers, but whether they were all brought to Germany in something I can't say at the moment. At any rate, they were used for German economy.

Q You do not deny that this was slavery?

A Slavery, that I deny. Forced labor has of course partly been used, and the reason for that I have already stated.

Q But they were forcibly taken out of their countries and sent to Germany?

A Partly they were deported forcibly, and I have already explained why.

Q You heard, defendant Goering, that a series of German documents were read into the record which made it clear that the citizens of the occupied territories were sent to Germany forcibly; they were gathered together by all sorts of methods; they were caught in the streets, put into trains, sent to Germany under guard; and their attempts to evade being deported resulted in terrible reprisals against native people. You have heard the documents which explained and described these methods.

H0089 - 0080

that they could but as much as they possibly could and as much as they could carry . . . .

Q. I might remind you of this quotation too. However, I will refer to that sentence again. You state, "Soldiers may purchase as much as they want, what they want, and what they can take by all means."

A. As much as they can carry, yes, and that was necessary because the custom authorities had issued limiting orders saying that a soldier could only carry a small parcel, and that appeared wrong to me, namely, that the soldier who had fought should have the least benefit from victory.

Q. In that case you did not deny that the cited extract from your speech of the 6th of August 1942 belonged to you and was made by you?

A. I don't deny that at all.

Q. I do not -- let us go on to the next question. Do you admit that as the Plenipotentiary of the Four Year Plan you were directing the forced labor of millions of citizens of the occupied territories, and that defendant Sauckel was your immediate subordinate in this activity? Do you admit that?

A. Formally he was my immediate subordinate, but he was also directly subordinate to the Fuehrer, and I have already emphasized that so far as I was informed I will bear part of the responsibility; and of course of these measure I was informed.

Q. I want to draw your attention to your other remarks of the same conference. You will find that on page 101 and 102.

A. That has already been read to the Tribunal.

Q. I would like to ask you now if you found the place?

A. I have found it.

Q. You have found it. It states here that at this conference -- quoting you -- "I do not want to catch Gauleiter Sauckel by the ear; he does not need that for his misdemeanors. What he has accomplished in such a short period of time regarding the speedy recruitment of manpower from all over Europe and regarding importing and making this manpower available is a unique achievement. Further, on page 103, you say, "These are merely small numbers." Here he talks

H0089 - 0081

"about 500,000. What about bringing in almost 2,000,000?". Have you found the place in the document?

A. Yes, it is quite correct.

Q. It was not explicit. Make it more precise.

A. Kock is stating there that he supplied all these people for Sauckel. "I repeatedly told him that the whole program of Sauckel's concerned 2,000,000 workers and that he, Koch, could only way that he supplied 500,000, half as much." In other words, he was claiming that he had supplied the whole lot personally.

Q. Did you think that 500,000 was a small number?

A. No, it isn't like that. I have just explained it. Out of 2,000,000, according to the total estimate of Sauckel in the past years, 500,000 came from the Ukraine and not as Koch was

H0089-0082

A Yes, but once more may I ask you to look at those documents which show it wasn't ordered but that even the collections for forced labor were regulated by other decrees and orders. If one could have finally an absolute guarantee, particularly in the East, that all these people were utterly peaceful and peace-loving people, that they never took part in Partisan activities and never carried out any sabotage, then I probably would have used a larger percentage for work on the spot. But security, both in the East and West -- particularly in the West -- forced us, especially in the case of younger men who were growing up and of an age suitable for military service, to apprehend them and bring them to Germany for labor.

Q Only in the interest of security and safety were they taken to Germany?

A There were two reasons. And may I explain them in detail? One, the reason of security, and two, the reason of necessity for finding labor.

Q And for that reason -- let us take the second reason, for example, the reason of necessity. People were forcibly taken from their country and sent to slavery inGermany, is that correct?

A Not to slavery; they were sent to Germany to work, but I must emphasize that not everybody who was taken from the East was taken to work for us. For instance, from Poland and from that territory which had been occupied by the Soviet Union 1,680,000 Poles and Ukrainians had previously been taken East by the Soviet Union --

Q I don't think you should touch on the question of the Soviet territories. Just answer the questions which I ask you, which is the question of exporting to Germany from all countries citizens of those countries for forced labor. I am asking you once more: Of the 6,000,000 persons who were sent to Germany, approximately 200,000 were volunteers, while the rest were taken to Germany forcibly?

A First of all, I must set that right. I didn't say that to Sir David at all. He asked me that and just for a moment he quoted the figure 5,000,000 and said that of those no more than 200,000 had been volunteers, and he asked me that on the strength of a record dealing with central planning, and said that it was supposed to be a statement from Sauckel.

H0089 - 0083

I did not agree but answered that the figure of volunteers must be much higher and that this must be a mistake as far as the figures are concerned.

Q All right. You affirm that the number of volunteers was visibly larger but you do not deny the fact that there still were millions who were sent to Germany against their will. You do not deny that.

A Without wanting to tie this down to a figure, the fact that workers were forced to work is something I never denied, and I answered accordingly.

Q Let's go on to another question: Tell me, what procedure there was for sending on the directives of the OKW to various other agencies and organs of the Government?

A I didn't understand the sense of that question at all, as it came through in translation.

Q I would like you to describe the procedure which existed for sending the directives of the OKW to the Liason organs of the Air Force and other units.

A If I have understood the question correctly, then the procedure was as follows: If an order came from the OKW, addressed to the Air Force, then it went through the following channels: If it was an order from the Fuehrer direct and signed by the Fuehrer, then that order had to be sent to me, the Supreme Commander, directly. If the order came on the strength of an order, in other words, not signed by the Fuehrer but beginning with the words, "By order of the Fuehrer," or "On instructions of the Fuehrer," and directives then followed, then such an order in accordance with its importance would go to the chief of the General Staff of my Air Force, and, again in accordance with its significance, he would in turn report it to me verbally, or if it was an apparent matter the order would go directly to the lower service departments concerned without going through the higher command sources at all. Otherwise, work would have been impossible, owing to the very large number of such orders.

Q In connection with this I would like to ask the following: In 1941 in the OKW there was prepared a series of directives and orders with regard to the conduct of the troops in the East and with regard to the treatment by them of the Soviet population. Specifically, there is a directi

H0089-0084

about military jurisdiction in the Barbarossa Region -- Document C-150 -- which has already been submitted to the Tribunal. According to this directive, the German officers had the right to shoot any person suspected of action unfavourable to the Germans, without bringing that person to court. This directive also stated that the German soldiers could not be punished for crimes which they committed against the local population. Such directives must have been known to you -- they must have been reported to you

A I would have to see that, from the distribution slip. May I see the document, please?

Q You would like to see the exhibit --

A I want to see whether that document went straight to me or first of all to my officers.

Q Please look at the date, 13th of May, 1941.

A Actually it didn't go straight to me. It says on the distribution chart, "OB. D.L. Leadership Staff, General Quartermaster." In fact, so far as my troops were concerned, I issued extremely sharp orders and that was the reason why I have asked for the Supreme Judge of the Air Force to be called as a witness and have now sent him an interrogotary.

Q You do know about this directive, however?

A I have seen it here, and have subsequently asked for the witnesses, since this order did not go directly to the Supreme Commander but went to the departments which I have just mentioned. Nevertheless, if the department acted accordingly, then I do of course formally bear the responsibility -- or share it. But we are here concerned with an order from the Leader and Supreme Commander of the Armed Forces, which troops could not have any argument about it.

Q But you do agree that the importance of the document was such that you should have known about it?

A No, otherwise it would have gone directly to my address, to the Supreme Commander, and not to the subordinate department, Air Force Leadership Staff or General Quartermaster. And from those departments -- whether they believed that the importance of the document was such or not, I don't know. The matter was reported to me, so that they had to get my personal orders

H0089-0085

and instructions. But anyway in this case this did not occur, since that document did not affect us as much as it did the Army.

Q But the document was sent to your department and circulated there.

A I have just emphasized it was between the two service departments.

Q But someone must have reported to you about this document.

A No, it did not have to be reported to me. I explained a little earlier that if every order and every directive were reported to me which came through in the shape of an order but did not require my interference, then I should be drowned in paper; and that is the reason why only the most important matters were brought to me and reported to me.

I cannot take it upon my oaht here whether that document was not mentioned in a verbal report to me. It is possible. And formally I am assuming responsibility even for the departments who were subordinate to me.

H0089 - 0086

Q I would like to be more precise about it. You say that the most important things, or the important things, were usually reported to you; correct?

A That is correct.

Q I would like to draw your attention to the document before you, third and fourth points of the order, of this directive. The third point says:

"Actions of civilians against German armed forces must be suppressed by the armed forces locally and immediately and through the utilization of the most extreme measures, including extermination of persons so guilty."

Fourth paragraph: "Thus, no time should be lost --

A Just a moment.

Q The fourth point or paragraph.

A You habe sent me three documents, and I am trying to find out which one; I am trying to sort them out.

Q All right.

A I shall repeat paragraph three because it has been repeated quite erroneously in the German.

"In the case of all hostile attacks of civilian persons against the armed forces, extreme measures must be taken by the troops and must result in the destruction of the attacker."

Q And Point Four?

A Then we come to Number Four and it is the paragraph where it says that where measures of that kind have been omitted or were originally not possible, the suspicious elements will be taken to an officer at once, who will decide whether they are to be shot. That is probably what you meant, isn't it?

Q That is all. This is just what I had in mind. Could it be assumed that this document, from your point of view, is important enough to have been reported to you?

A It is actually important, but it was not absolutely necessary for it to be reported since the Fuehrer order made it so absolutely clear that a subordinate leader and even a supreme commander of a part of the armed forces could not alter such a clear and strict order.

H0089-0087

Q I draw your attention once more to the date in the right hand corner. It states there, Fuehrer headquarters, 13 May 1941.

A Yes.

Q Therefore, it means that this was more than a month before the German attack on the Soviet Union? Already, then, directives were formulated about applying military jurisdiction and court martials within the regions covered by the Plan Barbarossa, and you did not know about this document?

A If a plan for the mobilization is made, then one must, particularly with reference to special cases, lay down what must be done since in accordance with experience, the Fuehrer thought that a special threat from the East would take place immediately, and that is the reason why these measures were laid down which were to be taken if the resistance and the fight behind the lines, behind the front would take place. This was, in other words, a preparatory order in the event that such matters occured. That must always and at all times be done in such connections.

Q And the officers were given the right to shoot civilians without bringing them to trial?

A An officer could hold a court martial on the spot, but, according to this paragraph, he could also, when he was of the opinion and had evidence that the opponent was making attacks from the rear, have himshot on the spot. That has always occurred, even before.

Q You thing that the officer was to form the trial and issue the verdict right on the spot?

A That is laid down in the articles of war, that whenever he has a unit of his own, he is entitled to appoint a court martial at any time.

Q But you do agree that there is no question of any trial here? It states that he alone could decide what to do with the civilian.

A He could act alone or use a court martial on the spot. All he needed was another two people whom he had to call together, and then he could hear the case and decide the matter in two orfive minutes, if the evidence of the attack was available.

Q In five minutes or two minutes, you say, and then he could shoot the person?

H0089 - 0088

A If I catch a man, in flagrante delicto, who is shooting from the rear out of the house on my troops, then a court martial can settle the matter like that ectremely quickly, but if there is no evidence at all, then you can not act like that, but here we are concerned with immediate dealings or fighting against an attack.

Q Defendant Goering, let us put this question aside. I would like to point out once more that this directive issued by the headquarters of the armed forces was issued on 13 May 1941, which means that even at that time officers were given the right to shoot civilians

H0089 - 0089

practically on sight?

A Yes, but I deny that emphatically. This does not mention the giving of the right to the officer to shoot a man right away. Let us put this right. It says here--and I say once more--that it is attacks by hostile persons against the army, and then it says, "Where measures of that kind are necessary, then the suspicious elements are to be brought before the highest officer of the unit and he will decide what the disposition must be. In other words, it does not say that every officer can decide the fate of a civilian.

Q It is quite clear. The second document which I would like to quote here and question you about--Excuse me, please. The document is dated 1941 and has already been submitted as Number USSR 98.

A Just a moment. What was the date you mentioned?

Q 16 September 1941 is the date of the document. Point B of the document. I do not want to quote it. I am merely pointing it out to you. It states there that asa rule if a life of a German soldier is taken, then 150 communists should die for that. The method of the execution should put terror into the hearts of the population. I am not going to question you about the main substance of the document. That is quite clear and needs no clarification. I am merely interested in whether you did not know about this document either.

A No, and it was not passed to me either, merely to another subordinate department. The Air Force had very little to do with such matters.

Q And your subordinates did not report to you about the existence of such a directive?

A The subject of reprisals is generally known to me, but not to this particular date. Later on, I was informed -- and I would emphasize during the war, not here--that to start with five to ten was mentioned in that order originally and that the Fuehrer personally altered that to fifty to one hundred. The question is whether you have any evidence that the Air Force did in any place or any time use this, and that is not the case. That is all I can tell you about that.

Q I am asking you about something else. Do not ask me. I am asking you. Have your subordinates ever reported to you about this directive?

H0089 - 0090

A No, but later on I heard about this document. At a later date.

Q What do you mean by "later date"? Please be more precise.

A I can not tell you that at the moment. It was sometime during the war, but now, on the strength of the fact that a figure which was originally five to ten had been altered by the Fuehrer personally to fifty to one hundred; that fact is what I heard.

Q For one German?

A I have just explained it to you. That is how I heard it. That was five to ten originally and the Fuehrer personally put a zero behind it. It was because of that fact that I learned about the whole matter.

Q You mean the Fuehrer added the zeros?

THE PRESIDENT: General Rudenko, do you think it is really necessary to go through these documents in such detail? The documents, after all, speak for themselves, and they have already been presented to the Tribunal.

GENERAL RUDENKO: I am going to be through immediately, Mr. President.

Q Do you know anything about the directives of the OKW with regard to treatment of Soviet prisoners of war?

H0089 - 0091

A I shall have to see them.

Q If you please. I mean, Mr President, the document which was already submitted to the Tribunal as USSR 338.

(A document was handed to the witness.)

Please look at point A, paragraph 3, which states that the basic directive consists of applying weapons against the soviet prisoners of war. The application of the use of arms is considered legitimate, and when this happens the guards are not obliged to report on the subject. This document also speaks for itself.

A Just a minute. I have to read that first, It isn't quite clear to me.

Q I also want to remind you about one other little point, and that is the directive with regard to the treatment of the Soviet prisoners of war, which states that if a prisoner of war tries to escape he must be shot immediately. No warning need be given.

The same is stated in a note about guarding the Soviet prisoners of war.

A The difficulties referred to here origininated from language trouble, and the guards are instructed to use their arms immediately. It also says that errors can arise in this connection.

Q Once more I want to say that the document speaks for itself. I am not asking about it; I want to know whether you knew about this directive.

A This is a document dealing with the treatment of prisoners of war, and they were directed to those departments of mine which were concerned with prisoners of war. I do not know this document, and I don't know the one which contains an opinion of the department of foreign counter intelligence.

Q You did not know about this directive? All right. One other-- I mean 854-PS . already submitted, which talks about exterminating political workers.

A In this order--to clarify the matter--I should like to underline that the air force did not have any camps with the Soviet prisoners of war. The air force only had those six camps in which the air force personnel of other powers were confined; in other words, it did not have any Soviet PW camps.

Q I asked you these questions and showed you these documents because, as the second man in command in Germany, you could not have known about these rather basic directives.

H0089 - 0092

A I beg to apologize, if I may contradict you. The higher the office I held the less I would be concerned with orders dealing with prisoners of war, in fact, were orders meant for certain departments and not orders of the highest political or military significance. If I had had much lower rank, then I might have had knowledge--much more knowledg-- of these orders. I am now looking at the document which you submitted to me--Department of Home Defense. It says on the left: Reference treatment of political and military Russian functionaries. That is the document I am looking at.

H0089 - 0093

Q Please look at the date of the directive--12th of May, 1941. Fuehrer's headquarters.

A Yes.

Q Paragraph 3 of the directive -- look at that. Political leaders among the troops are not to be considered prisoners of war but must be exterminated immediately. They must never be transported to the rear. Did you know about this directive?

A May I point out that this is not any directive of any kind, but that it bears the heading "Notes of a report by Wagemann", and that the distribution chart does not show any other department outside the department Home Defense, which I have mentioned. In other words, this is a note for the files of a report.

Q You mean to say then that you did not know about this directive?

A I say once more : This is the note of a report made by a certain department chief, and it is not an order, not a directive, but a record of a report.

THE PRESIDENT: That is not an answer to the question. You are telling us what it was, not whether you knew of it.

A No; I did not. It had been put before me as an order, and I wanted to point out that it isn't one.

Q The directives with regard to treating Soviet prisoners of war must have been executed also by the units of the Luftwaffe.

A If ordered by the Fuehrer -- Yes; or if ordered by me, also.

Q Do you know your own directives with regard to treating the Soviet prisoners of war?

A No.

Q You do not remember them?

A We didn't have any camps with Soviet POW's in the air force.

Q Tell me, the majority of these criminal orders and directives of the OKW, were they not issued even before the beginning of the war against the Soviet Union by way of preparing for that war? Does not this show that the German Government and the OKW had already made a plan for exterminating the Soviet population?

H0089 - 0094

A No. That isn't proved by that at all. All the proof is that we thought of the fight against the Soviet Union as an extremely hard one, and that it was conducted because there were no conventions.

Q These rules of warfare are well known to us. Please tell me, do you know about Himmler's directives given in 1941 about exterminating millions of slavs? You heard about it from the witness right here in court. Do you remember about that?

A Yes. Firstly: This wasn't an order but a speech. Secondly: It was a statement of Zelewski. And thirdly: In all speeches Himmler made to his subordinate officers he insisted that the contents should be kept absolutely secret. In other words, this is a statement from a witness, according to what he has heard, and not an order. Consequently, I have no knowledge of that affair.

Q You did not know. All right. Tell me, in the German totalitarian state was there not a central directive center which meant Hitler and his immediate associates, including yourself? Thus, these directives must have been known not only to Himmler but to others. Himmler alone could not have issued directives about exterminating thirty million Slavs without discussing it or having received directives either from you or from Hitler.

A Himmler did not give an order for the extermination of thirty million Slavs. The witness said that he made a speech in which he said that thirty million Slavs should be destroyed. If Himmler would have in fact issued such an order, then he would have had to ask the Fuehrer and adhere to the Fuehrer's orders, and the Fuehrer would have told him immediately that that was impossible.

Q I did not talk about an order; I talked about a directive --an intention. You do admit or you state, rather, that Himmler could have issued directives without discussing them with Hitler?

A I emphasize that such directives from Himmler could not have been given, and I knowof no directive or order of that type that has been mentioned here.

Q Once more I shall repeat this question: Is it not true that the directives and the orders of the OKW with regard to treating the civilian

H0089 - 0095

populations and the prisoners of war in the occupied Soviet territories were part of the general directive about exterminating the Slavs? This is what I want to know.

A Not at all. At no time has there been a directive originating from the Fuehrer or anybody I know referring to the destruction of the Slavs.

Q You must have known about the mass extermination of the Soviet citizens in the occupied territories of the Soviet Union with the help of the security police -- the SD. Is it not true that these organs and their activities were the results of the plan prepared long in advance about exterminating both the Jews and other groups of Soviet citizens?

A No. Action groups were an internal matter which was kept extremely secret.

GENERAL RUDENKO: I shall have several other questions. Perhaps it is better to adjourn now and wait for the other questions.

THE PRESIDENT: How long do you think it will take, General Rudenko?

GENERAL RUDENKO: I think not more than another hour.

THE PRESIDENT: All these documents which you have been putting to the witness, as I have pointed out to you, are documents which have already been put in evidence and documents which seem to me to speak for themselves. I hope, therefore, that you will make your cross examination as short as you can. The Tribunal will now adjourn.

(The Tribunal adjourned until 22 March 1946 at 1000 hours).